

ENVIRONMENT, LAND ACQUISITION & PLANNING COMMITTEE
of the
Suffolk County Legislature

Minutes

A regular meeting of the Environment, Land Acquisition & Planning Committee was held in the Rose Y. Caracappa Auditorium at the William Rogers Legislative Building, Veterans Memorial Highway, Smithtown, New York on August 20, 2001 at 3:15 P.M.

MEMBERS IN ATTENDANCE:

Legislator David Bishop, Chairman
Legislator Michael Caracciolo, Vice Chair
Legislator Ginny Fields
Legislator Vivian Fisher
Legislator George Guldi
Legislator Allan Binder
Legislator Cameron Alden

ALSO PRESENT:

Paul Sabatino, Legislative Counsel
Jeannine Dillon, Aide to Legislator David Bishop
Nicole DeAngelo, County Executive's Office/I.R.
Elizabeth Nostrand, Aide to Legislator Vivian Fisher
Allan Grecco, Director Suffolk County Department of Real Estate
Tom Isles, Director Suffolk County Department of Planning
Jim Dobkowski, Press Secretary to Presiding Officer Paul Tonna
Peter Scully, Commissioner, Suffolk County Department of Parks
Jim Burke, Suffolk County Division of Real Estate
Lauretta Fischer, Suffolk County Planning Department
James Bagg, Council on Environmental Quality, S.C. Planning Department
Vito Minei, Director of Environmental Quality. S.C. Planning Department
Ben Wright, Suffolk County Department of Public Works
Brendan Murphy
Mariel Clark
John Clark
Jill Drum
Carl W. Sachs
Arthur Fodera
Dr. Sergio Santudo-Wilhelmy, Marine Science Research Center SUNY, S.B.
Pam Schiel, Elwood Greenlawn Woods Homeowners
Helen Currano, Director of Community Relations, Stony Brook University
All Interested Parties
Minutes taken and transcribed by Irene Kulesa, Legislative Secretary

(The meeting came to order at 3:50 P.M.)

CHAIRMAN BISHOP:

The agenda, notwithstanding Legislator Binder's request for expediting the meeting. I don't think it's going to happen. Please rise for the Pledge of Allegiance led by Elizabeth Nostrand.

SALUTATION

CHAIRMAN BISHOP:

All right. I have cards here; people who wish to address the committee. What I'd like to do to try to move it along is bring people up in groups who are speaking on a particular issue. The first card I have is from Doctor. Gordon Taylor. Are there other people who are with Doctor. Taylor, who wish to address this committee? Yes? Oh, he didn't come. So you're going to address the committee? So come on up. Are you prepared to? Let me ask you this? Is it on today's agenda?

MS. CURRANO:

Yes it is.

CHAIRMAN BISHOP:

So we -- okay

MS. CURRANO:

1735.

CHAIRMAN BISHOP:

All right and Legislator Fisher, you're familiar with this?

LEGISLATOR FISHER:

It came to my --

CHAIRMAN BISHOP:

Okay. Then we'll -- then it's your call. How do you want to handle that? Okay and you have a handout for us?

MS. CURRANO:

This is first? 1735 is the first?

MS. KULESA:

Please state your name.

MS. CURRANO:

Oh, okay. I am Helen Currano. I am the Director of Community Relations at Stony Brook University. Good afternoon. Thank you for listening. Gordon Taylor who is a professor who is working on a project for Brown Tide -- did you want to read the 1735 first?

CHAIRMAN BISHOP:

No.

MS. CURRANO:

Oh, okay. They want to have the funding continued and Doctor. Taylor gave me a Fact Sheet and it's two pages long and it's -- I guess, it's got its particulars that you'd have to understand the background on it to -- but I think Brown Tide in itself is self explanatory and he wants the funding to be continued.

LEGISLATOR FISHER:

May I?

CHAIRMAN BISHOP:

With the study?

MS. CURRANO:

He was supposed to be here at 3:15, when your committee --

LEGISLATOR FISHER:

Can I just ask a question?

CHAIRMAN BISHOP:

Oh, he left because we didn't start on time?

MS. CURRANO:

I don't think he -- I haven't seen him.

LEGISLATOR FISHER:

Okay, may I just question her, so that -- because I spoke with Doctor. Taylor and so I know

the particulars to this. This is a three-year program and the County has funded the program for two years. The research is now going into its third year and there was no money allocated to continue the program. And if you're involved in scientific research, you can't have a break in your research funding and you certainly can't have a break in the research. So would you like to just address that? Where they are in the research? How many people are involved? And I think he had that on the fact sheet.

MS. CURRANO:

Yes, he talks about the contribution of Suffolk County Department of Health Services sponsored research and the next steps with continued support, fiscal support, they will be -- Stony Brook will be evaluating effects of groundwater from previously un-sampled sources. They need to continue this project because they will be testing other biocides detected in the groundwater. They will examine the role of select trace metals, like selenium and we'll evaluate effects of fertilizers on tipping the ecological balance in favor of Brown Tide. Those are the few items that he had at the end of his presentation. Again, he goes into possible causes of the persistence of Brown Tide in Long Island Bays and several facts associated with this project. I can't elaborate on it. I'm just looking at the sheets that he gave me. He was going to be here and do that. He may have come and left. It's possible. But I wanted to be here on his behalf just in case.

CHAIRMAN BISHOP:

Legislator Caracciolo? I hope you have some touch questions.

LEGISLATOR CARACCILOLO:

Well that was a very brief presentation, so I don't have many questions but --

MS. CURRANO:

I am not a scientist.

LEGISLATOR CARACCILOLO:

The question I do have is for a scientist. He's seated in the audience, Vito Minei who has provided oversight for this project from the very beginning, going back some decade now. Could you come forward and perhaps fill us in on some of the blanks as far as this particular program funding goes Vito?

LEGISLATOR FISHER:

Helen doesn't; does she? You don't have any more questions of Helen?

LEGISLATOR CARACCILOLO:

No, no. But it's on the resolution just so we can --

LEGISLATOR FISHER:

Allan, if you wouldn't mind just letting me take a look at the fact sheet?

MR. MINEI:

Good afternoon. I'm Vito Minei. I'm Director of Environmental Quality for the Department of Health Services and the department does strongly support this resolution. We thank the sponsor Legislator Fisher, for it. Essentially, what Doctor Taylor is doing is pursuing the most promising of all the theories regarding Brown Tide and that is the link of groundwater underflow and the different constituents that groundwater carries into the Peconic Bays. The primary theory deals with nitrogen but Gordon Taylor has expanded upon that and he believes, as do many researchers that the factors are many and they come together at different times of the year causing Brown Tide.

So again, we would hope and we encourage the Legislature to pass this. We originally asked for a hundred and fifty thousand dollars in the Capital Program for this year but we will gladly forgo the fifty thousand for equipment for the department to make sure that Doctor Taylor's research continues because Legislator Fisher did phrase it very accurately. It's really essential to move forward with Brown Tide research.

LEGISLATOR CARACCILO:

Was there any reason why this funding was not included in the recently approved Capital Program Budget?

MR. MINEI:

I don't know the reason for that. I think it was part of the overall desire to cut back on the Capital Program but I don't know any specific reasons for that.

LEGISLATOR CARACCILO:

From its inception, how much money has gone into research for Brown Tide?

MR. MINEI:

Well, we're very proud to say that the County has put in several hundreds of thousands of dollars from the beginning, from about 1985 and until recently, we and a modest amount from the State Sea Grant were the only funding sources. But for the last three years, we were able because of the commitment of the County, to really secure federal funding. Now there's in excess of three million dollars of federal funding committed to Brown Tide research based primarily on the commitment that the County has made over the last fifteen years.

LEGISLATOR CARACCILO:

Okay. Thank you. I do not have a copy of the resolution; maybe we could make a copy? For some reason it's not in my binder. Thank you. I'm inclined to be a co-sponsor but let me take a closer look at the resolution. Thank you.

MR. MINEI:

Thank you.

CHAIRMAN BISHOP:

The next, all the remaining cards are regarding one resolution, resolution 1788, which is preservation of Emerald Estates property. Oh no, I found another card. Excuse me. Is Doctor Wilhelmy available? Yes?

MS. CURRANO:

He's not here either.

CHAIRMAN BISHOP:

Okay. Right that's what I found -- okay. Good. All right, back to the resolution 1788. There are, I believe, eight cards. Why don't we take them up in groups of four? John Clark, Jill Drum, Carl Sachs and Arthur Fodera. Please come up? I divided the Clark Family. That's all right, stay. I'm sure they'll survive. Good afternoon, is there a leader among you who wishes to go first?

MR. CLARK:

Really we have no leader at this point. Maybe we should get a leader but I think we all feel very strongly about -- we're in favor of the County purchasing the 13.7 acre parcel.

MS. KULESA:

Please state your name?

MR. CLARK:

Oh, I'm sorry. My name is John Clark.

CHAIRMAN BISHOP:

1789.

MR. CLARK:

Hello, is it on?

LEGISLATOR GULDI:

Bring the mike closer.

MR. CLARK:

Okay. The singers, they put their mouth on it, don't they? My name is John Clark. I live at 148 Darrow Lane, Greenlawn and I am directly impacted by Emerald Estates. I have the luxury of them going to be building three down-zoned pieces of property, houses behind my backyard. So I'm in total favor of the County purchasing the 13.7 acre parcel to be preserved as Open Space, commonly known as Emerald Estates. In my opinion, it would destroy the quality of life of the whole surrounding area.

The area in question, the piece of property is a very, very narrow piece of property, which is full of all sorts of exotic wildlife and trees and things, surrounded by existing homes that are 1 acre zoned and you have to see this to picture this, this skinny little piece of property they're going to try and slap in six houses. They're going to donate 4.17 acres to the Town of Huntington for a park. Nobody knows how anybody is going to get to the park the way it's all laid out. The builder obviously, is doing that to save money, so we don't have to put roads and everything else in. And they want us to down-zone houses and change the quality of life for all the people in the surrounding area, who bought their houses knowing it was 1 acre zoned property and they wouldn't have to worry about somebody sitting, you know, in their backyard almost.

In the first place, I don't know how the State could sell this property to a developer because it was never meant to be developed for homes. The people on Clay Pitts and Kenneth, it's Clay Pitts Road and Kenneth Drive, I believe it is. The builder is going to put a road in their backyard, right on the edge of their backyard property. You're going to totally destroy the whole area. He's going to put a cul-de-sac behind one or two people's houses, which I find incredible. But where the road, where my neighbor on the left here lives is Clay Pitts, is dangerous and I mean, there is going to be somebody killed there if they haven't already been killed there. To put another road coming on to Clay Pitts is an absolute hazard because first of all, you have a hill coming this way. You have a valley down here and then you have a curve and then three, four hours a day the sunlight, if you're going towards the city is in your eyes, you can't see and people speed. Now, I'm shocked that nobody has been killed there yet but about a month ago, I was driving. It was a rainy day. There was a huge head on collision right there and I just can't imagine putting more cars coming on to that road. It's absolutely a hazard. I'm not a very good public speaker, I apologize. Okay. Basically, I'm for the resolution that Allan Binder has submitted to purchase the land by Suffolk County and hopefully, you'll consider that. Thank you.

MR. SACHS:

Carl Sachs. S A C H S. Where's the button here?

MR. CLARK:

On top.

MR. SACHS:

Okay, my name is Carl Sachs. My address is 91 Newfoundland Avenue Huntington, New York, 11743. My wife and I also own property, which abuts this Emerald Estate property. We're on the East Side of the proposed development. I also, by the way, own a small piece of land on the West Side of this property. I am very much disturbed about the fact that this land was conveyed to Emerald Estates in the first place. I question very much the process by which was used to convey the property. It's a bad piece of property for development. It just doesn't make any sense at all to try to put acre zoning, houses or even half acre zoning houses into this very narrow strip of land. By the time you build roads and driveways and cul-de-sacs and so forth and so on, you just don't have any more proper room to build nice decent houses on a nice decent lot in this area.

It's a very valuable piece of land as it is. It's not worth a nickel to be developed, as a proposal is in front of the Town right now. There are lots of great trees in there. There are some American Chestnuts, which some of you may know is an endangered species all over in the United States. There are some that are developed and are producing American Chestnuts, at this time, in that land. There are lots of plants and flowers and other shrubbery that's endangered and also is part of that land that's going to be destroyed when

and if that land gets developed. It's already been damaged considerably. By the way, I don't know that if you know that or not but they put a bulldozer through there, cut in a sample road that blocked out holes for where houses were intended to go in. And if you looked at it, you'd find out what kind of intentions the people have with that piece of property. The intention is to destroy it without any question.

The idea of the recharge capacity of this land is exceptional. It's a nice piece of land. It's sandy and gravelly underneath. Water that falls there, falls into the aquifer and helps us to have a decent water supply here in Suffolk County in the Town of Huntington. Maybe you know that the Greenlawn Water District has a well right nearby this thing. Greenlawn Water District, I think, has probably the best water on Long Island. It's one of the very few, if not the only one, that does not have to use Chlorine for disinfecting the water before it's sold to the patrons. The water is delightful. It's delicious and it's pure and clean. And I can't see putting in another bunch of cesspools in this area and still hoping that same sort of water quality could be maintained.

The animal life is important there too. There are owls, hawks, chipmunks, squirrels, raccoons, all kinds of small amphibians, all in this land, every one of which will be driven out of there in the case this land would be developed. I'm very interested in having the County purchase this piece of land from the present owners. It should not be allowed to be wasted on improper housing. Thank you very much.

CHAIRMAN BISHOP:

Why don't we let them?

LEGISLATOR FISHER:

No because I want to establish my frame of reference and understanding the map because I'm not clear. Okay, there was a map distributed and we see a shaded area that says Back Woods have developed parcels and then we see a dotted line that looks like a New York State right of way, okay! Where is the proposed development? Is it on that -- Allan, can you help me out with that? Okay, thank you because this way we have a frame of reference and we know what you're referring to.

MR. SACHS:

I'd be glad to help you to determine that.

LEGISLATOR FISHER:

So it is. It is what looks like a right of way. I agree with you that seems --

MR. SACHS:

It was taken away by the State for a right of way that was supposed to go to a bridge and --

LEGISLATOR FISHER:

And the State is selling it to the developer?

LEGISLATOR BINDER:

They had already sold it to a developer.

MR. SACHS:

It's already sold to the developer.

LEGISLATOR BINDER:

The developer's interest; that I think, would be interesting.

CHAIRMAN BISHOP:

By the way, the resolution is incorrect then.

LEGISLATOR GULDI:

Why not?

CHAIRMAN BISHOP:

Because it says that the reputed owner is New York State.

LEGISLATOR FISHER:

It says here the owner is New York State.

LEGISLATOR BINDER:

Oh, we have a corrected copy.

LEGISLATOR FISHER:

That was my question.

LEGISLATOR BINDER:

We have a corrected copy.

LEGISLATOR FISHER:

Okay.

LEGISLATOR BINDER:

Sorry that was an original copy. The corrected copy has it correct. The owner, I think, would rather than go through the aggravation that we're all going to give this owner would rather sell. So they have reached out and they're looking for the possibility of us being able to buy this and it's unfortunate that New York State did sell this right of way without really anyone seeing it happening.

MR. SACHS:

I think the owner has come partially to his senses and realizes that this is not a good deal.

LEGISLATOR FISHER:

What kind of variances would this developer need, in order to put homes here?

CHAIRMAN BISHOP:

The Town of Huntington approved everything, right?

MR. SACHS:

It's acre zoning. He's already -- he has an option before the Town of Huntington to consolidate those houses. Those six houses into half the property, more or less, saving the other half for the Town of Huntington to make a park of. But there's no access to any park that might be --

LEGISLATOR FISHER:

I was going to ask if there was any access to the homes.

MR. SACHS:

You cannot get to it. We don't know -- I've asked the Town of Huntington what they propose to do with this, in case this goes through and they can't even begin to give me an answer.

MR. SACHS:

They don't know what to do about it. Because it's just simply -- it's not suitable for anything else except highway right of way.

LEGISLATOR BINDER:

The concern is that the Town would, in some sense, be forced to give them something. In other words, even if it's minimal yield and by doing that would have to cut the whole thing up, possibly the road and other things that would destroy the whole area.

LEGISLATOR FISHER:

This just doesn't look like it's wide enough to have a road access.

LEGISLATOR BINDER:

Right.

MR. SACHS:

It's only about 200 feet wide roughly.

LEGISLATOR FISHER:

It's not wide enough to have -- to place a home.

MR. SACHS:

By the time you put utilities in, a road and leave some setbacks for these things, they have to reduce the setback requirements.

LEGISLATOR FISHER:

So they would need variances.

MR. SACHS:

Well, they had to have variances of all kinds to get in there.

MR. CLARK:

They need a variance also on the size, width, of the road going in there.

LEGISLATOR FISHER:

It would have to be a smaller road.

MR. CLARK:

Smaller road, narrower road.

MR. SACHS:

But the whole thing is just absolutely improper.

CHAIRMAN BISHOP:

It sounds so crazy. Where is it at right now? The Town of Huntington is considering this? All right, I'm sorry.

LEGISLATOR BINDER:

We have a letter that --

CHAIRMAN BISHOP:

Let me --

LEGISLATOR FISHER:

I'm sorry I interrupted before the speakers. I just wanted to get those questions answered, so I would have a frame of reference for your remarks.

LEGISLATOR BINDER:

There's a letter that I distributed from Frank Petrone, who is interested in getting together with the County and doing the purchase together. So this is just planning steps. So it doesn't outline exactly what program we're going to do this under. But my guess is, we're probably going to do this under Preservation Partnership and there is real desire on the part of the Town of Huntington to get together with the County and make sure this is preserved.

CHAIRMAN BISHOP:

Okay, so this resolution, I had one that looks like it was an authorization for various programs and it's now down to planning steps only. We're starting with the planning steps.

LEGISLATOR BINDER:

And I think we could do that fairly quickly.

CHAIRMAN BISHOP:

Do that under any program.

LEGISLATOR BINDER:

Right and then the Town of Huntington, I think, with some speed is going to pass a resolution agreeing to do a Preservation Partnership with us. Then we can come back here pretty quickly and get that second half done and hopefully, we can do something with the Town.

CHAIRMAN BISHOP:

All right. Do you know the answer to this question? If the County were not to purchase this, would this development require variances, rezoning or any action by the Huntington Town Board for it to go forward?

LEGISLATOR BINDER:

In its present form, my understanding is that that would be true. But there might be some machinations where that might not be required and that is a concern. If they can go forward to get some minimal yield and not have to get a variance. And so then, we can have a little trouble.

CHAIRMAN BISHOP:

But they have no right to develop it at this point?

LEGISLATOR BINDER:

At this point, not in the present plan, under the present plan that they've proposed.

CHAIRMAN BISHOP:

Okay. All right. Whoever wishes to speak up there.

MR. FODERA:

I'm sorry, I have a little bit of a cold so -- I would just like to reiterate --

CHAIRMAN BISHOP:

Just state who you are?

MR. FODERA:

Oh, my name is Arthur Fodera and I live right adjacent to the property in question on 124 Clay Pitts Road. It's acre zoning and they're proposed to put half-acre houses. I mean, this strikes the core of all variances. When you buy into an acre zone neighborhood, you expect the houses to be built to be an acre.

CHAIRMAN BISHOP:

We're not in the business of protecting your zoning.

MR. FODERA:

I understand.

CHAIRMAN BISHOP:

So we're -- that's why I'm trying to figure out why it's before us. Is Huntington trying to accommodate this developer and shouldn't our initial fight be with the Town of Huntington? That's what I'm trying to understand.

LEGISLATOR BINDER:

And what I'm trying to say is that --

CHAIRMAN BISHOP:

You're keeping your options open. We're just doing planning steps.

LEGISLATOR BINDER:

Right.

LEGISLATOR BINDER:

And I don't want -- what I'm concerned about is that if they put up a plan that doesn't require a variance and they could, there are plans. He might not get the yield he wants. He might not be happy with it. But for the price that he bought it and I understand it was pretty low per acre from the State, he might be willing to do it just to get in and get out. Then we'd have ourselves, the destroyed property and no where to go and so that's why we've gotten together. And I've spoken with the Supervisor to stop that from happening.

CHAIRMAN BISHOP:

This is the good old County once again. You know, the State does a caper. The Town is right along and the good old County is going to come in and make it right.

LEGISLATOR BINDER:

We're doing it with the Town. It's the State caper, this one, the State one.

LEGISLATOR FIELDS:

Why doesn't the Town do this all by itself and use proper zoning, so that we don't have to -- right.

LEGISLATOR BINDER:

Because they're -- what I'm saying is under the current map that was submitted, they don't have to provide the variance and that would be fine. But if the developer says well, you know what? I'll take less yield and I will go without a variance. I'll build as of right where I can and the way I can and then he'll come in and do that and then we've got a problem. So that's my concern and that's the Town's concern. So that's why the Town is interested in getting together with the County.

LEGISLATOR FIELDS:

I don't think we should bail out the Town at all. I think that we're running out of money to acquire property and we should be spending our money on property that really is in danger. And I think Huntington owes it to its taxpayers and its citizens to do the right thing.

CHAIRMAN BISHOP:

Let the speakers finish.

LEGISLATOR CARACCILO:

I'll wait.

CHAIRMAN BISHOP:

Okay. I'm sorry.

MR. FODERA:

I'd just like to say that there's a lot of property near us being built on. Open Spaces that held a lot of wildlife. We've got a place on Pulaski that's going to low income housing. There's another huge lot on Clay Pitts Road adjacent to the church that's getting developed. As the property values escalate, all the places that gave the character and the wildlife to the neighborhood, it's just disappearing and this one is clearly inappropriate. And we'd just like to make sure that a tenacious builder who is just going to keep trying and trying doesn't end up with the right to do something atrocious here. We do. We have all kinds of wildlife. There are foxes and owls and lots of stuff that we'd like to still see stay on Long Island and it would definitely be a good step by the County, to preserve this one last really unsuitable and inexpensive parcel, compared to a lot of the other buildable ones. And there are an awful lot of people who weren't able to come here today because they're at work and what not; that would also be concerned and very happy to hear that this parcel was allocated as a Greenway. Thank you.

CHAIRMAN BISHOP:

You're ready to go. Oh, I'm sorry.

MS. DRUM:

That's okay. My name is Jill Drum. I live at 150 Darrow Lane. Whether he puts in one house or ten houses, he still has to put a road in that area. It is such a hazard. You have to - I come out of Frances Drive when I come back from the beach. You can't even make a right onto Clay Pitts as it is with the cars coming over the hill. Now, this road is going to be coming right out there at the same spot. It would just be dangerous. It is dangerous already. It would be even more dangerous. Even to put in one home there, you have to get in fire trucks, ambulances, if there were some kind of an emergency. It just doesn't make sense.

And the other thing is that the developer came in and sort of bullied his way into our homes. He wanted us to sign papers saying that we were for this, when we were against it. He's saying this neighbor is for it, sign it, you'll be the only ones not signing it. The whole thing from the beginning just was horrendous. I only purchased the home a year ago. I was told that it was supposed to be a Deer Park, Babylon Road and that they decided to go do away with that. It would never be developed. That's why I purchased the home. I waited a year to find this home and now this guy is going to come in and he's telling me he's going to put a sump behind my home. Well, a sump is not going to draw fox and owls and box turtles. It's going to draw rats and water, cockroaches and everything else. Yes? And what kind of taxes? He's not going to -- even if you put one house in there, it's not worth the taxpaying -- what are you going to get? Twenty thousand a year? Fifteen thousand -- even ten thousand a year on that house, it doesn't pay for the County to get the tax money from that.

CHAIRMAN BISHOP:

Okay. Legislator Fields was anxious.

LEGISLATOR FIELDS:

Did this come before the Town in a planning?

MS. DRUM:

We called the Town.

LEGISLATOR FIELDS:

You spoke, you said what you're telling us today and the Town still decided that it didn't want to accommodate you?

MR. MURPHY:

Well, the Town under the SEQRA Law says it required an entire environmental impact statement and I have the full entire environmental assessment form here, if you want to review it. It details specific variances. Probably the most important of which is a reduction of the road width from thirty four foot to twenty six foot, which is a major safety issue in a sort of serpentine nature of the land.

MS. KULESA:

Could you please state your name?

MR. MURPHY:

My name is Brendan Murphy.

CHAIRMAN BISHOP:

Yeah, let me, are there any other questions for the first four people who came up? Okay, thank you very much. Bring up Mr. Murphy who has already arrived. Mariel Clark and Pam Schiel. All right, Mr. Murphy.

CHAIRMAN BISHOP:

All right, Mr. Murphy.

MR. MURPHY:

Thank you. My name again, as I stated is Brendan Murphy. I reside at 75 Newfoundland. It's the only street surrounding this area that's not one acre zoned, it's much older. Upon -- I just moved into my neighborhood a year ago too and I contacted the Town and the County

directly about the parcel of land behind me, which shows on both the Town and the County maps as owed by New York State. Only after a very involved investigation that I just, in fact, discovered that part of that land was actually sold in 1989. And under the Freedom of Information Act, we're going to be getting the information as to who actually has bought some of that land.

But I just wanted to point out a few things to you. Upon hearing of this, we did form a Homeowner's Association. It's a voluntary association that's called the Elwood, Greenlawn Woods Homeowners Association. It represents over forty households in the area. Most of the people who spoke here are involved in it already. It's largely, not hierarchical, there's no organization, it's just us trying to save the woods. And I'm just going to read a little statement off of our flyer and I'd like to enter this into the record. The Elwood Greenlawn Woods Homeowners Association seeks to preserve the woods that sit at the heart of our neighborhood, which resides at the Elwood Greenlawn border.

Over thirty years ago, the State of New York came in and obtained the land under its right of eminent domain, in order to build a highway connecting Babylon and Northport. The community did not give up the land willingly. The proposed highway was never built primarily due to objections of the existing homeowners. At least this spur of it was. There was a portion of Babylon that was built and the homeowners did not want a highway in their backyards, was the quote that was used and that has left us with essentially a 25-acre haven, most notably for its natural beauty and for its abundant wildlife. The resolution that's before you is involved with the northern part of that land. It's about 10.88 acres and that's that very serpentine portion that you see on the northern part of the map.

The most -- the variances we've assessed would be not just a reduction of the road width; it would also require frontage reduction of from fifty to forty foot. It would have involved two houses with five hundred foot driveways. And it also would have a zoning, which would have wider lots, as opposed to narrower lots, which is against the R40 zoning that's currently in the area.

The biggest problem, of course, is the fact that the State turned around and sold this land without them making any sort of good faith effort to notify the people surrounding the community. Now, I've had discussions with the Town of Huntington environmental lawyer, Margo Miles, who has advised me that if the Town had owned the land, they would have been required to offer the right of first refusal to the homeowners surrounding that area. That never happened. There was never any good faith effort. In fact, the State never advised the Town they were selling it and now we're in this position where we would have to essentially bid back for this land, you know, at an undoubtedly at a higher rate simply because the State did not do that.

LEGISLATOR CARACCILO:

Just a question regarding the purchase by the State. When was that made and what was the purchase price?

MR. MURPHY:

Well the -- I don't know what the purchase price was. In the environmental assessment form they do have a history of when it was actually done. I believe it was in the '60's, when they actually purchased the land.

LEGISLATOR CARACCILO:

The developer purchased it from the State?

MR. MURPHY:

No, the developer purchased it in November of '99, and according to Carol Donaghy of Assemblyman John Flanagan's Office, the purchase price for 10.88 acres was three hundred and ten thousand dollars. From the State of New York, yes, auctioned. So I mean, not only you can't buy an acre for that amount of money in this neighborhood now and they got 10.88 acres. So I just want to --

LEGISLATOR CARACCILO:

Do you know who the developer is?

MR. MURPHY:

Yes, it's DiCanio.

LEGISLATOR FISHER:

DiCanio.

MR. MURPHY:

Yes. There's also -- I would like to put this in just a larger context of the entire 25 acres. There's actually a second development also slated there, which is -- we're also working with that developer to try to list himself as a willing seller along with private owners who own the land. So we've gotten pretty far with that. We're here basically to applaud Legislator Binder and the Town of Huntington for getting together to make an effort to buy this land. I mean, I don't care as a resident, you know what political entity solves this problem ultimately. In my view, the boggy man here was the State. Essentially, the entire history of this parcel has been one of an endless disservice to the community surrounding it. They took the land thirty years ago to build a highway. They bought it from a farmer who lived on Clay Pitts Road that did not want to sell it but they used eminent domain laws to do so. They never built the highway. That spur of the highway largely because the people surrounding it didn't want a highway in their backyards and then the State turns around and sells it to a developer who is not going to put in the road but housing in the back. So we're very unhappy with that and again, I'll just close with the -- you know, we're applauding both the County and the Town in any effort they can to preserve the land as Open Space.

LEGISLATOR CARACCILO:

Well, generally around here, flattery will get you everywhere. But when you start talking about money, because Mr. DiCanio, does he have an interest in selling this property?

MR. MURPHY:

He does. He filed a letter with the Town stating that he does use a willing seller.

LEGISLATOR CARACCILO:

Okay. Does anyone have an idea, given the reference you made to property values in that area? What in today's real estate market 20 -- what's the total acreage 21?

MR. MURPHY:

Well, the resolution covers an area of 10.88 acres with the northern portion right now and that is the DiCanio development.

LEGISLATOR CARACCILO:

Okay and what would you -- what's the real estate market value for 1 acre in this neighborhood?

LEGISLATOR BINDER:

Well, I can tell you from another parcel we were looking at, the Silverstein Farm, which is not too far away. It was about seventy thousand an acre.

LEGISLATOR CARACCILO:

That was a much larger piece. I don't know if you can make those comparables.

LEGISLATOR BINDER:

I know but I don't need them. But not far away was about an 8 acre piece, it was almost comparable except it was -- it's a nice compact piece, the other farm piece, which might even be more valuable than this strip. So that actually might be a high value, the seventy thousand an acre.

LEGISLATOR CARACCILO:

Earlier I heard someone reference that the property is at its widest point two hundred feet?

MR. MURPHY:

The portion that they're referring to in the northern portion. Yes that's right.

LEGISLATOR CARACCILO:

And what is the length?

MR. MURPHY:

Pam?

MR. SCHIEL:

Probably -- maybe fifteen hundred to two thousand feet. It's very long. It's a --

MR. MURPHY:

You got a copy of this for reference?

LEGISLATOR CARACCILO:

Yes and on that copy, it says Elwood Woodlands. This depicts the current homes in the area? In other words, all of these house -- these are house numbers, right?

MR. MURPHY:

Yes. This is actually a petition map, pretty much every single homeowner on that has signed that petition in an effort to --

LEGISLATOR CARACCILO:

And it's proposed that we purchase this as a Greenbelt, Greenway?

MR. MURPHY:

Yes, yes.

LEGISLATOR BINDER:

Can I?

MR. MURPHY:

I'm sorry.

LEGISLATOR BINDER:

Right, it could be under the Partnership. We would be doing it with the Town of Huntington, so it wouldn't be totally our burden. Secondly, what is proposed or looking at is that this is part of a Greenbelt and this further -- you have to understand, this is one part of a long strip of land that hasn't been used by the State that they bought for a right of way, which never happened. So there's kind of a Greenbelt that's being produced in the Town of Huntington. This would be part of that.

LEGISLATOR CARACCILO:

Okay, thank you. I note in the correspondence from the Town that Mr. Petrone indicates this is coming before a committee and subject to that committee's, I guess, review and recommendation, he has withheld initial -- well, he supplied initial endorsement but he's made it clear that he would not be presenting a resolution to the Town Board until this committee convenes on the 27th of August. Is that your understanding?

MR. MURPHY:

I believe so, yes. The Town Open Space Committee is meeting on Wednesday to discuss this amongst other things. So I'm not sure if they're going to be willing to make a statement unless it's in conjunction with the County.

LEGISLATOR CARACCILO:

Will you folks be attending those meetings? Are they open to the public?

MR. MURPHY:

Yes, yes.

LEGISLATOR CARACCIOLO:

Okay. Do you have any sense of their inclination?

MR. MURPHY:

Yes, I just had a very long discussion with Joyce Squires who chairs that particular committee along with Margo Miles, the environmental lawyer. I think it's a very strong possibility that they're going to go for this. In fact, she's asked to come to my house to do a walk through of the southern portion of the land now for review.

LEGISLATOR CARACCIOLO:

I'd like to do the same thing. I'd like and come see this property.

MR. MURPHY:

Absolutely.

LEGISLATOR FISHER:

Mr. Chairman?

LEGISLATOR BINDER:

Let me add to that, if I can? I've met with them also and they are already predisposed, I think. They're very strongly in favor of doing this.

LEGISLATOR FISHER:

I have a question, sir. How many homes would he be able to build here without any variances?

MR. MURPHY:

That's a very good question, due to the serpentine nature of the land. I'm not really sure how many -- you know, he'd be able to do.

CHAIRMAN BISHOP:

Did you say the answer was in the EAF form?

MR. MURPHY:

You know it's quite -- I don't remember seeing that. I don't remember seeing them stating how many they felt it could actually yield. I have looked through the whole thing. I could supply that for the record, if you wanted to do that. I do have a copy of that to review. It's pretty long. But I don't recall them saying -- do you recall Pam, in the entire assessment form, how many they felt it could yield properly without required variances?

MS. SCHIEL:

I don't know if it was more or less in, you know, intimated how many. But I think they either said it outright or said that you know -- made it clear that maybe one would be the only possibility. The road frontage is a hundred and eighty feet at Clay Pitts Road and maybe they could make a narrow house there and go back and fit in an acre.

LEGISLATOR FISHER:

But he would be able to build --

LEGISLATOR BINDER:

I just want to help you.

LEGISLATOR FISHER:

I just want to finish this question. So this developer, without variances, would only be able to build one home and in two years, if we were to pay at the kind of rate that Legislator Binder has indicated might be the comps in this area, he would be getting a 100 percent

return on his investment?

MS. SCHIEL:

Well, he's a friend of somebody in the State. That's why this all happened.

MR. MURPHY:

Yes, I mean this is --

MS. SCHIEL:

It's all been done clandestinely and --

MR. MURPHY:

The ownership's has been a really difficult thing.

CHAIRMAN BISHOP:

Is this in litigation at all?

MR. MURPHY:

You know what it would cost to do that? We'd have to create a legal fund and you know, so far I don't think we've been willing to do that. We were hoping -- I'll be honest with you. We could fight it tactically on a legal front, bit by bit but our hope is to have a strategic solution to the whole thing on a political level.

CHAIRMAN BISHOP:

When is it?

MR. MURPHY:

Because they'll win if it's tactical battle, they'll have more money for lawyers than us.

LEGISLATOR BINDER:

Let me add to that. I don't know that it's one. I think that the possible yield is more like a few. That could be three, four but the point is that he can end up building and his return, even on one house, if he spent -- if he bought it for three hundred thousand dollars and builds, what in this area, you can build literally an eight hundred, nine hundred thousand dollar home. He may not make the same as he might make at our appraisal.

CHAIRMAN BISHOP:

Is this Mr. DeFeo?

LEGISLATOR BINDER:

What's that?

CHAIRMAN BISHOP:

DiCanio or DeFeo?

LEGISLATOR BINDER:

DiCanio.

MR. MURPHY:

DiCanio is the developer; DeFeo is the owner on the deed.

CHAIRMAN BISHOP:

Okay.

LEGISLATOR BINDER:

Right. The point that --

CHAIRMAN BISHOP:

Why don't we bring them in?

LEGISLATOR BINDER:

The point is this. The point is that if he has a few homes, he will easily make more than we're talking about paying him for this. But for him, maybe the aggravation is not worth it. So he'll take it for less and we can protect this. The bottom line is are we -- do we want to protect land as we've been trying to do around the County? And this is an opportunity to do that.

LEGISLATOR FISHER:

We want to protect land, Allan but it's -- I find it -- it's turning my stomach to look at this. It seems so clear that this is a speculator who bought a piece of property, is threatening the community with development on a piece of property, which he knows is precious to the people in the community and we will be suckered into giving him a handsome fat profit and I find it sickening.

MR. SCHIEL:

He has so much influence.

LEGISLATOR BINDER:

Unfortunately that's the way it goes.

MR. SCHIEL:

This builder and the State have so much influence that they were successful in quietly changing the borderlines of these lots on the Suffolk County Tax Map System.

CHAIRMAN BISHOP:

What?

MR. SCHIEL:

Without --

CHAIRMAN BISHOP:

How did that -- wait -- do you know about that? Tell me.

MS. SCHIEL:

10.88 acres that we're talking about for Emerald Estates is just part of 13.7 acres that the State has represented itself as owning for decades now.

CHAIRMAN BISHOP:

Right.

MS. SCHIEL:

And suddenly in the Suffolk County Tax Map System and our Assessor's Office Maps, now there are new boundaries, new lot numbers because of this deal with Emerald Estates.

LEGISLATOR ALDEN:

Question on that?

CHAIRMAN BISHOP:

Maybe Legislator Binder can clarify. Do you know what she's referring to?

LEGISLATOR BINDER:

I'm not sure about the new lot numbers.

LEGISLATOR ALDEN:

The only thing I can think of would be reserve strips or gore strips and gores are things where years ago they maybe, you know, the guy that went out to survey made a mistake or something like that. So to change a lot boundary, if this is surrounded by lots, then you

know you're kind of stuck with physically what exists there. So I'm not sure if it just corrected, you know, a mistake that existed.

MS. SCHIEL:

Well, I've always gone to those maps for years and years now because I'm very aware of what's going on back there all the time. And not until this April did they finally file these maps that DiCanio and the State say are the new lot numbers. On that map, you see a 13.7 acre parcel. I think it's lot number 93.2. Now its several different lot numbers and --

LEGISLATOR ALDEN:

Okay but the physical boundaries weren't changed? You're just --

MR. MURPHY:

It was subdivided in a different way.

LEGISLATOR ALDEN:

Oh, okay. All right, now I understand.

LEGISLATOR CARACCILOLO:

Mr. Chairman? Mr. Chairman, could we have the Division of Real Estate provide us with the tax map numbers that correspond with these two parcels? Do you have that Mr. Isles?

MR. ISLES:

Right here.

LEGISLATOR CARACCILOLO:

That's our Planning Department. I believe they may have them with them. Would you make copies of those for the committee?

CHAIRMAN BISHOP:

While he gets that, why don't we continue on?

LEGISLATOR CARACCILOLO:

Yes, I have a question for Mr. Murphy.

CHAIRMAN BISHOP:

No, not at this time.

LEGISLATOR CARACCILOLO:

Why not?

CHAIRMAN BISHOP:

Ms. Schiel are you done?

MS. SCHIEL:

No.

CHAIRMAN BISHOP:

All right. Why don't we continue with you?

MS. SCHIEL:

My name is Pam Schiel. I live at 65 Newfoundland Avenue, Huntington. I've walked this subject land on a regular basis for many years now. And I've submitted four photographs of the flowering vegetation there, which were taken on June 15th, 2001. They show the graceful violet Cow Vetch. The deep golden yellow St Johns-wort. The large pinkish Morning Glory and beautiful bright Blackberry in flower. Raspberries and wine berries also grow very well in the area, especially in the center section of this parcel. There are also Ox-eye Daises, Sweet Scabius and Gill-over-the Ground or Ground ivy. In the south section of the parcel the forest is much more mature and there are many large Oak and Cherry Trees. Black Walnut,

Flowering Dogwood, American Chestnut and many other species can be seen there as well.

I have given you a list of the birds seen in these woods. They are Red-tailed Hawk, Great Horned Owl, Blue Jay, Flicker, Hairy Woodpecker, Downy Woodpecker, Red-winged Blackbird, Cardinal, Myrtle Warbler, Pine Warbler, Tufted Titmouse, Black-capped Chickadee, Purple Grackle, Robin, Catbird, Baltimore Oriole, Redstart, Mourning Dove, Towhee and Mockingbird. I have seen all twenty of these myself except the Great Horned Owl. I certainly hear the Great Horned Owl, however and I see the nest as well. Last winter, the Red-tailed Hawks flew toward each other in the air at high speed to transfer prey. I saw the whole thing and heard their beaks knocking together as it happened. It was spectacular. The little Redstart came through on May 1st, this year and really brightened up the woods too. Redstarts are black with bright red orange markings. The Myrtle Warblers are also lovely colorful birds that are not seen everywhere. They are slate gray with bright yellow patches in spring. All the birds there are beautiful. They live and thrive there and are very active. I want to thank Allan Binder for finally getting this property on the radar screen for acquisition. It is a beautiful and significant parcel in the 16th District that needs to be preserved as Open Space. I urge you to please vote in favor of resolution 1789. Thank you.

CHAIRMAN BISHOP:
Thank you.

MS. CLARK:

Hi, my name is Mariel Clark. I live at 148 Darrow Lane. We've lived there for 30 years and when I purchased my property, actually almost 31 years ago, we did call the State. And I can tell you that it wasn't so much that the neighbors were against the property being developed that I was told that the State did not have the money to purchase, to condemn the property that they were going to need, in order to build this road coming up from Babylon. And I was assured by the Town that 31 years ago, they would never have the money, nor would that land ever be developed. In all the years that I have lived there, I can tell you that, as Pam said, the wildlife is incredible. We, at one point in time, actually rented the property that adjoined ours from the State for a dollar a year to plant gardens. And we had put strawberries back there and I have no idea if they're still there but it was something that the whole community took up, planting and harvesting.

Also, I can say that one of my major concerns is the traffic pattern is going to be horrific. In the years that I have lived there and I guess, I'm one of the original owners of the property, there have been numerous accidents where cars have come flying up into the woods. It's just -- we were told that one of us went down to Town Hall to talk about putting a light or a stop sign. The answer to that question was, unless there's a fatality, they can do neither of those. And they are very much aware of the fact that that is a treacherous intersection even without a new road coming on. The other thing I wanted to get to is, I work for a Real Estate Company. I am not against developing. I've been in real estate for 18 years. I think if you had a good parcel of land in Greenlawn right now, I would think that you could get more than the seventy thousand dollars that Mr. Binder is saying. I have seen developments going up all over. I cover from Huntington. I go all the way out to St. James and I go to the South Shore as well. I have seen an incredible amount of homes, condominiums, the land is just being ravaged by all these developments and yet that's how I make my living.

One of the things that really ticked me off was how Mr. DiCanio handled this whole situation and I will tell you, I went down to Town Hall and whoever is in charge of the Planning and Zoning Board, I spoke to him directly. And we were left a piece of paper to sign off that we were in agreement to this development going in. And I was told by the Town Hall people that he put the cart before the horse. He was supposed to get the Town approval before he came to us but he came to us before he went to the Town. And the other thing that really ticks me off is he said this, he called me at my office. He called me at my home numerous times badgering me to sign. Because if I didn't sign, it didn't matter, he would still get this development passed and I questioned the man at Town Hall and he said this is true. He most likely will get it passed no matter how much you fight it. And I feel there's something wrong here.

The other thing that I find and I said this at the Town Meeting, a very good friend of mine who is a builder in Huntington bought a parcel of land that is half acre zoned and they up-zoned that parcel of property that he purchased to two acres. Now they're going to down-zone for us? And I said this in front of the Town. I said, do the people in Asharoken and Eaton's Neck have more money or more political clout than we do? And I question, how you can up-zone in one area and down-zone in another. And that's about all I have to say.

CHAIRMAN BISHOP:
You're Ms. Clark?

MS. CLARK:
Yes.

CHAIRMAN BISHOP:
Okay. What is the piece of paper? What is this petition? Explain this?

MS. CLARK:
It was to say that we were in favor of it and that he was going to take this to show to the Town Board that we were all in favor of it.

CHAIRMAN BISHOP:
And people signed this?

MS. CLARK:
Well, he actually told me I was one of the last standouts. Now, the only way I would have found out that I wasn't one of the last standouts was that I went down to Town Hall.

CHAIRMAN BISHOP:
People along this area signed this petition in favor of it?

MR. MURPHY:
Apparently only two to three homeowners, whose land doesn't abut it, the actual property signed it and in fact, Pam Schiel got a petition where almost every single homeowner are in opposition.

CHAIRMAN BISHOP:
And opposed to it.

MS. SCHIEL:
Every single home signed it on Darrow Lane and Kenneth. Every single home.

MR. MURPHY:
Homes actually abut the land.

CHAIRMAN BISHOP:
And you say that when you went to the Town of Huntington, they told you that it was likely that his development would be approved?

MS. SCHIEL:
Correct.

LEGISLATOR BINDER:
I think what you mean is in some form. It might not be as submitted but in some forms, you would get some yield and it would get developed. I think that's what the point is.

CHAIRMAN BISHOP:

Any questions? Legislator Caracciolo, do you have -- ?

LEGISLATOR CARACCILOLO:

Ms. Clark, did I hear you correctly? You said you were in the real estate business? You're a real estate broker?

MS. CLARK:

Yes, broker.

LEGISLATOR CARACCILOLO:

Broker. So you are pretty familiar with property values? What would an existing resale on a single family home in one of these adjoining lots sell for? You know, a home in good condition, not something that's --

MS. CLARK:

A new house, three thousand square feet?

LEGISLATOR CARACCILOLO:

Is that what's in this area? I'm talking about an existing, you know a resale?

MS. CLARK:

Oh, okay. The last house, to the best of my knowledge that sold in there, not in great shape, sold for five hundred and fifty thousand. Not adjoining the property.

LEGISLATOR CARACCILOLO:

Okay. A single and separate parcel, one acre in this area? If there were a vacant piece of land that's very comparable, you know, let's look at it, in orange to orange and not something that I understand there's some slopes in here fifteen degrees? Is that correct? Okay. So something like that. What would the value be?

MS. CLARK:

I say at least a hundred and fifty thousand for an acre.

LEGISLATOR CARACCILOLO:

And the property was purchased in November of '99, for approximately thirty five thousand an acre? Is that correct?

MR. MURPHY:

Three hundred and ten thousand for 10.8 acres.

LEGISLATOR CARACCILOLO:

So it's even less, thirty one thousand an acre. Okay. Does anyone have any idea of what the current property owner would be looking for to sell this property?

LEGISLATOR BINDER:

I think the point is that when we would do the planning steps, we would put, we would get an appraisal. We'd understand what the offer would be. It happened, as I say, on Silverstein Farm, not too far away. The owner was offered; he wasn't happy with the offer, so that's why it kind of stopped at that point. I don't know that this would be all that much more, the reason being partly, the appraisals is going to be based on the ability to yield and if you can't, let's say that if we had looked at it and they say well, the yield can be three. That will be part of what's taken into account, as it was in Silverstein, where on 8 acres they didn't think the yield on an 8 acre per property, they couldn't even get 8. So it was like, I think, the maximum yield was five or four, so that's why it worked out to seventy thousand an acre. Here I'm guessing that it could be somewhat comparable. So it's not going to be, I wouldn't think it's going to that hundred and fifty, so our appraisal won't -- I just don't anticipate the appraisal being much up over seventy thousand an acre.

LEGISLATOR CARACCILOLO:

The current application before the Town is for how many homes?

MR. MURPHY:

Six, I believe.

LEGISLATOR CARACCIOLO:

Six homes?

MS. CLARK:

Six or seven.

MR. MURPHY:

It's changed. He's changing it.

MS. CLARK:

It was eleven.

LEGISLATOR CARACCIOLO:

Okay. So between six and seven homes and what size lots would they be built on?

MS. CLARK:

Half acres and one was on --

LEGISLATOR CARACCIOLO:

This is one-acre zoning right now, right? So it requires a variance, okay.

MR. MURPHY:

They wanted to do a cluster approach and set aside for the Town as parkland and that's how they were going to try to, you know, appease the fact that it was a half-acre zone. That they would set aside a certain portion of it as parkland.

LEGISLATOR CARACCIOLO:

Has the Town been granting down-zonings like that?

MS. CLARK:

No.

LEGISLATOR CARACCIOLO:

In this area? No but throughout the Town?

MR. MURPHY:

Well, it's actually a big fight right now going on in the Town about that and Councilwoman Scarpati-Reilly is involved with that right now too. And if you drive through the area, you'll see signs about, you know no more down-zoning. So it's a big issue.

LEGISLATOR CARACCIOLO:

Okay, thank you.

CHAIRMAN BISHOP:

And of course you're going there Mike. You're making an arrangement. All right.

LEGISLATOR BINDER:

Let me know when you're there Mike. I'll walk it with you.

CHAIRMAN BISHOP:

Are there any other questions on this issue? Thank you very much. Why don't we take this out of order? It's all fresh in our --

LEGISLATOR CARACCIOLO:

Okay, Mr. Chairman, my previous request to the Planning Department, I see Mr. Isles approaching the conference table. Do you have a copy of the Real Property Tax Services Map for this parcel, Tom?

MR. ISLES:

Yes, we do.

LEGISLATOR CARACCIOLO:

Okay, could you make copies and distribute that to the committee?

MR. ISLES:

Yes, we can.

LEGISLATOR CARACCIOLO:

Okay. You heard previous speakers refer to tax map number changes. Do you have any information to verify that that is, in fact, taken place and if so, why?

MR. ISLES:

At this point in time, I do not have that information. It's something we could check directly with the Real Property Tax Service. My guess, which is just a guess at this point, is that the property was sold by the State of New York. At that time, they may have reconfigured the tax map numbers. But I can certainly get back to you with the definitive question. It does appear from what we've looked at that the numbers that are in the resolution appear to be the correct numbers. How they got there, how they changed, I don't know at this point. But they appear to be correct from what we've checked on the current --

LEGISLATOR CARACCIOLO:

Do you have copies for the committee?

MR. ISLES:

Yes.

LEGISLATOR CARACCIOLO:

I'd like to see that.

MR. ISLES:

If I could Mr. Chairman, I just have two comments?

CHAIRMAN BISHOP:

Sure.

MR. ISLES:

Number one is that the multifaceted program at this point is not funded. It is part of the 2001 Capital Budget. And the only comment we would like to make is that, in terms, of the planning steps resolution before you is at this time, in terms, of drawing from that for the cost of appraisals and any other incidental cost. We currently don't have access to that money. We will in the Year 2002. The second matter is that just, in terms, of procedures. I am not, at this point, familiar with the Legislature's intent where it is with the multifaceted program. In the past, some acquisitions require approval of Parks Trustees, usually require some review by CEQ and so forth. So if we could receive, if the department could receive from the Legislature direction, in terms, of how you would like to administer the Multi-faceted Program, what steps you would like us to follow. That would just be helpful to us in the future. If you have any guidance today that you want to provide to us on that but --

LEGISLATOR FISHER:

May we just backtrack a second? Did you say that this resolution should go before the Park Trustees or has gone before the Park Trustees? I couldn't hear you correctly.

MR. ISLES:

It has not gone before the Parks Trustees.

LEGISLATOR FISHER:

And it should.

MR. ISLES:

And it's a question. Is that something the Legislature anticipated in the adoption of the Multi-faceted Program or not. We're just looking for direction on that point.

LEGISLATOR FISHER:

Oh because that's not clear.

CHAIRMAN BISHOP:

It's not clear with the Multi-faceted Program. We've come to that decision?

LEGISLATOR FIELDS:

Can I ask a question?

CHAIRMAN BISHOP:

That is the --

LEGISLATOR CARACCIOLO:

That was in the Omnibus.

CHAIRMAN BISHOP:

What we did in the Omnibus Resolution is we collapsed Open Space --

LEGISLATOR CARACCIOLO:

Farmland.

CHAIRMAN BISHOP:

Farmland and was there another budget line?

MR. BURKE:

Land Pres.

CHAIRMAN BISHOP:

Land Preservation, Partnership into one budget line and then we took the numbers that were requested by the County Executive and on top of that added an additional five million. That is now what's being called the multi-faceted Land Preservation Program. I guess that's the name we're going to go with but that's not bad.

LEGISLATOR FIELDS:

Mr. Isles? If we don't have the money to do this, where would we get the money if this were approved?

MR. ISLES:

I'm not certain. I was just talking with Mr. Burke about the idea that if we take it off from another account to real estate and then pay back that account if the parcels were to be acquired when the money becomes available. But at this point in time, we don't have a ready account to go to, to draw these expenses from. We can certainly do some homework and try to find it.

CHAIRMAN BISHOP:

These are the expenses just for the planning steps?

MR. ISLES:

Yes, the appraisals. You know they're not -- it's not giant money and we can certainly try to work, if that's what you want us to do.

LEGISLATOR FIELDS:

I just want to, you know, we were just at this Legislature talking about planning steps of a piece of property that I wanted to purchase right next -- contiguous to a parkland. And we talked and the County Executive talked about not spending money for planning steps and so

forth and so on. And so I would really oppose spending this money for planning steps, especially when it's not funded and with all the problems that we see, I am so opposed to this.

LEGISLATOR BINDER:
Mr. Chairman?

CHAIRMAN BISHOP:
Yes, first why don't we call it out of order?

LEGISLATOR BINDER:
I'll make a motion.

CHAIRMAN BISHOP:
Legislator Binder makes a motion to take 1789 out of order seconded by myself. All in favor? Opposed? 1789 is now before us. Legislator Binder.

LEGISLATOR BINDER:
Let me ask Counsel? In terms of funding the acquisition costs, the year planning costs, would there be an inability to make a transfer within the County Exec's ability to do -- I mean, this is really {diminimus} money so --

MR. SABATINO:
Just to clarify for the record. The reason this resolution was structured in the multi-faceted Land Preservation Program is because the Town wants to do the Partnership under Land Preservation but there's no more money left in Land Preservation. So the place where the money is and the place where the money will be available when the planning steps are completed is in that program as of January 1st. So in the planning steps, you're probably talking, you know, like a seven to ten thousand dollar range, which normally would just come from either the Operating Budget or if there's anything left in Land Preservation Program. But I mean, the reason it was put into multi-faceted Land Preservation was to make sure that the acquisition --

LEGISLATOR BINDER:
Isn't it true that the County Executive has the ability to transfer? He has a 10 percent transfer ability within the budget?

MR. SABATINO:
The seven to ten thousand dollars, yes.

LEGISLATOR BINDER:
Right, so this kind of money is clearly within the ability to do that?

MR. SABATINO:
Yes.

LEGISLATOR BINDER:
Okay. I don't think anybody else has comments on it. I'll make comments after everyone else.

LEGISLATOR FISHER:
Mr. Chair? There was a question by Mr. Isles regarding the Legislature's disposition regarding the Multi-faceted Program. Do we want to have these resolutions go before the Park Trustees? His question was not answered. I would want it to go before the Park Trustees.

MR. SABATINO:
Maybe I could just clarify it? When that Multi-faceted Program was established --

LEGISLATOR FISHER:

I have faith in the Parks Trustees.

CHAIRMAN BISHOP:

Then run for Park Trustee. We'll appoint you to Park Trustee. I was voted to do this job. They were not.

LEGISLATOR BINDER:

Okay. I don't know if there were comments on it? I was going to --

LEGISLATOR FISHER:

I was asking a question. Should it go to the Park Trustees?

CHAIRMAN BISHOP:

We have it in parks. We don't have a policy here where we --

LEGISLATOR FISHER:

Okay.

CHAIRMAN BISHOP:

But not at this time. All right.

LEGISLATOR BINDER:

Okay because I have a comment on that.

CHAIRMAN BISHOP:

Comments on the motion before us. I have a comment on the motion before us.

LEGISLATOR CARACCIOLO:

Well, I have a question.

CHAIRMAN BISHOP:

All right, Legislator Caracciolo.

LEGISLATOR CARACCIOLO:

I think the issue that's been raised with regard to policy and the recent vetoes that was referenced to is, the distinction that it appears to me based on what I've heard is, that we have a willing seller.

LEGISLATOR BINDER:

We have a willing seller.

LEGISLATOR CARACCIOLO:

Okay. So with respect to the Executive's veto of the resolution in Legislator Field's District where there wasn't a willing seller, we don't have parity there and therefore, I'd be inclined to, perhaps approve this resolution. But I'm going to look at it tonight, in fact and it will be before the Legislature on Tuesday and between now and then my position may change. So I just want the sponsor to be aware of that. The purposes of advancing it to the full Legislature, if it meets with the committee's approval, the majority, I'll support it but it's a tentative support.

LEGISLATOR BINDER:

I'll go with you on that.

LEGISLATOR CARACCIOLO:

Thank you.

LEGISLATOR GULDI:

Do we need a flashlight?

LEGISLATOR BINDER:

Depending on how long this meeting is.

CHAIRMAN BISHOP:

On the motion. I don't -- I think that given the new policy that we have that we want to know whether sellers are interested in selling or not before we attempt to acquire property or even engage in planning steps. That it might be interesting to have Mr. DeFeo and Mr. DiCanio come before the committee. I'd be fascinated to learn about the process. How they acquired the property. What their plans are. The critical issue for me, however, well I would find that interesting. The critical issue is what do they have a right, under current law in the Town of Huntington to build?

LEGISLATOR FISHER:

That was my question.

CHAIRMAN BISHOP:

And that's what I would be interested in. If they only have the right to build on 1 acre out of 10, then I think the County and its taxpayers should only be interested in acquiring 1 acre out of 10 and not the entire 9 acres. So I'm confused as to what their rights are, since they require so many variances and then when interested parties from the community question the Town of Huntington and they're told ah, it's going to pass. You know, so there are a lot of outstanding questions. I think we need to have the Town of Huntington here as well, before we make an informed decision. I'm not opposed to this altogether. I think that obviously this community has been done a wrong and I would like alternately to right that wrong. I just don't want to do it in a way that rewards those who may have benefited from something that was unusual, to say the least.

LEGISLATOR BINDER:

I appreciate that. Unfortunately, I think, in the end to right a wrong, we're going to end up having to benefit someone who had -- I don't know if it's speculative, foresight or whatever it is. Right, well -- maybe that's the kind of phrase I can give but when purchased on a parcel and then are willing -- I mean this is not something a builder doesn't build. You know, like a paper builder who has never built home. DiCanio has built homes all over, so this is not someone who didn't have the ability and the wherewithal to do it. So I can understand your concern and maybe we can do that. I would table this for a meeting to bring in --

CHAIRMAN BISHOP:

Yes, let's bring the Town of Huntington.

LEGISLATOR BINDER:

Town of Huntington and a --

CHAIRMAN BISHOP:

DiCanio.

LEGISLATOR BINDER:

I think, well you might want to talk to the builders. I don't know if you want to make that a general policy on all acquisitions from now on. That the owners are going to come in and speak before this.

CHAIRMAN BISHOP:

It will be until that policy changes.

LEGISLATOR GULDI:

I think that's a bad idea.

LEGISLATOR BINDER:

But I think what --

CHAIRMAN BISHOP:

I think Legislator Fields has a question.

LEGISLATOR BINDER:

But I think we have -- we have a letter. I don't have it before you but I know there was a letter submitted by the owners that they are willing sellers. They're already declared to be willing sellers. I don't know that we want to make that a regular policy that further bring them here and have that kind of --

CHAIRMAN BISHOP:

We'll invite -- we're a you know, hospitable committee.

LEGISLATOR BINDER:

I'll change my motion to motion to table.

LEGISLATOR ALDEN:

Second.

CHAIRMAN BISHOP:

We have a motion and a second to table. Does Legislator Fisher wish to be heard?

LEGISLATOR FISHER:

Well, I just wanted to agree with your comments and to say to Legislator Binder that I don't know if this will necessarily set a precedent. I think that there are some unusual circumstances. Neighbors speaking of coercion. That type of behavior. So I don't think that this would necessarily set a precedent and I think it would be a healthy dialogue.

LEGISLATOR BINDER:

It may be. I'm just -- I'd question whether we would want to. I don't say that this would. Just let me also say that if you look on our agenda that I have three in a row and they're kind of connected and you look at 1788, the one before it is Jill Estates, I'm going to move to table because I don't have a willing seller at that point. It's in but I don't know. I just think I have a tired owner, someone who is very tired and from what I've heard, he may be willing. But I -- so that's why I'm going to be tabling it and then the one before that, you'll see that we have a question for active parklands at Jericho Turnpike in Huntington, which is not too far from our Legislative Office. In fact, right around the corner and that is owned by New York State DOT and I'm trying to avoid being at the position we're in now with someone buying it. And there's been talk about building certain things, assisted living, as everyone talks about building over there. So I'm trying to avoid being in the place where we are now in that purchase. So they're all kind of somewhat connected, all three of these.

CHAIRMAN BISHOP:

Okay. Motion to table, seconded by myself. All in favor? Opposed?

I.R. NO. 1789 Authorizing planning steps for acquisition under Suffolk County multifaceted Land Preservation Program (Emerald Estates Property at East Northport) Town of Huntington. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Allan Binder)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

We'll take this up again at our next meeting and we'll extend our invitation lists. Everybody who is here today is certainly welcomed back at that time. We'll probably have a disposition.

LEGISLATOR ALDEN:

A comment too?

CHAIRMAN BISHOP:

Yes, Legislator Alden.

LEGISLATOR ALDEN:

If anybody that spoke today or any Legislators know somebody in the DiCanio Organization and could get a sense of what they would be willing to sell for? That might help our Planning Department or us even in deliberating this issue.

CHAIRMAN BISHOP:

And if anybody knows that person in New York State, who is selling land on the cheap, let me know.

LEGISLATOR ALDEN:

And me also, yes.

LEGISLATOR BINDER:

But I would say that most likely, if I was in an organization and I owned land, I'm not going to let out how much I'm willing to take for it. I mean, you usually wait to see how much the offer is first. They've had -- I understand what you're saying but I would doubt that that's going to come back that way.

CHAIRMAN BISHOP:

Okay.

LEGISLATOR ALDEN:

That's why I buy property.

LEGISLATOR FISHER:

Mr. Chairman?

CHAIRMAN BISHOP:

That resolution, let's take 1735 out of order. That's allocating funding --

LEGISLATOR FISHER:

Thank you.

CHAIRMAN BISHOP:

For Pay As You Go financing for study and occurrence of Brown Tide.

LEGISLATOR FISHER:

I'll second that motion.

CHAIRMAN BISHOP:

Motion to take it out of order by myself, second by Legislator Fisher. All in favor? Opposed? The resolution is now before us.

LEGISLATOR FISHER:

Okay and the speakers who were not here earlier are here now. If there are any questions?

CHAIRMAN BISHOP:

No questions. Hearing none, motion to approve by Legislator Fisher, second by Legislator Caracciolo. All in favor? Opposed? 1735 is approved.

I.R. NO. 1735 Allocating funding for Pay-As-You-Go financing for the study of the occurrence of Brown Tide in marine waters. (CP 8228.115) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING QAND FINANCE & FINANCIAL SERVICES (Legislator Vivian Fisher)

VOTE: 6-1-0-0 APPROVED

CHAIRMAN BISHOP:

Okay. All right, let's go to the agenda. I'm a good Chairman. Do you have comments, Planning Department, Real Estate Division?

MR. ISLES:

On some of them, yes.

CHAIRMAN BISHOP:

Your department now. Yes, go ahead. Oh, you want to do them as they come up?

MR. ISLES:

Whatever your pleasure is.

CHAIRMAN BISHOP:

Let's do it that way. It's probably easier. Okay 1680 reappointing George Proios as a member of the Suffolk County Water and Soil, Water Conservation District.

LEGISLATOR GULDI:

Motion to defer.

CHAIRMAN BISHOP:

But more importantly that agency is being used as one of our leads on the Great South Bay Estuary Project, South Shore Estuary Project. Motion by Legislator Caracciolo, second by Legislator Guldi.

LEGISLATOR ALDEN:

On the motion?

CHAIRMAN BISHOP:

On the motion, Legislator Alden?

LEGISLATOR ALDEN:

Do we know what is a record of attendance? That type of thing is? Because I don't anything. He's not here, right?

LEGISLATOR FIELDS:

May I, Dave? I'm on that board and he is at every meeting and he is a very active member who contributes a great deal to that.

LEGISLATOR ALDEN:

Does he want to be reappointed?

LEGISLATOR FIELDS:

I am sure he does.

LEGISLATOR ALDEN:

And what are his goals as far as reappointment?

CHAIRMAN BISHOP:

All in favor? Opposed? 1680 is approved.

INTRODUCTORY PRIME:

I.R. NO. 1680 Reappointing George Proios as a member of the Suffolk County Soil and Water Conservation district. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION &

PLANNING (Legislator Brian Foley)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:
1687 is transferring certain lands.

MR. SABATINO:
That's been withdrawn, Mr. Chairman.

CHAIRMAN BISHOP:
We are no longer transfer certain lands. 1688 authorizing planning steps for implementing Greenways in connection with acquisition of active parkland, Portion Road Corridor, Lake Ronkonkoma, Town of Brookhaven.

LEGISLATOR CARACCILO:
Do we have a willing seller?

CHAIRMAN BISHOP:
Well, do we have what we need from the Town?

LEGISLATOR CARACCILO:
Let me -- we do not have a willing seller?

MR. ISLES:
Those are the Chairman's questions.

CHAIRMAN BISHOP:
Motion to table, second by Legislator Caracciolo. All in favor? Opposed? Tabled.

I.R. NO. 1688 Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Portion Road Corridor, Lake Ronkonkoma/Ronkonkoma (Town of Brookhaven) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Michael Caracciolo)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:
1691 is approving acquisition under the Suffolk County Land Partnership Preservation Program. All right, this is the Fanning Landing Road Property in Moriches.

MR. ISLES:
This does have a Town Resolution. It was referred by Park Trustees on August 16th. It is a parcel that certainly complies with the program requirements. The only comment I would make on this one under the Land Preservation Program, we are oversubscribed at the moment on that one. Whether or not all those transactions will be completed, we don't know. And there could be funding made available certainly, next year, which is five months away at this point. So the acquisition from the Planning Department standpoint, it appears to be a good acquisition. It's on the Forge River in Moriches. It has the support of the Parks Trustees and a Town Resolution. The only question is the availability of money, which at this point is uncertain.

LEGISLATOR GULDI:
Motion to approve.

LEGISLATOR FISHER:
Second.

CHAIRMAN BISHOP:

Motion to approve by Legislator Guldi, second by Legislator Fisher. On the motion Legislator Caracciolo?

LEGISLATOR CARACCIOLO:

In terms of the description of the property, what's the size?

MR. ISLES:

It's about 7 acres.

LEGISLATOR CARACCIOLO:

And what surrounds the property?

LEGISLATOR FISHER:

Is it 7 or 17 acres?

MR. ISLES:

Yes, correct it's 17 acres. The parcel is on the Forge River in Moriches, so the West Side of the property is exactly on the river itself. Part of that is also freshwater wetlands. In addition, the property is bordered to the East Side by an elementary school, which does have Open Space around it for the play areas and so forth. And the parcel is a short distance south of Montauk Highway.

LEGISLATOR CARACCIOLO:

Okay. In the future Mr. Chairman, perhaps the Planning Department can provide us with tax maps of parcels under consideration, so that we can see what's in and around the area relating to these acquisitions? It would be helpful.

MR. ISLES:

It's just a matter of timing. We do have maps available, which I can hand up to you today.

LEGISLATOR CARACCIOLO:

But in the future, can we make that as part of the backup?

MR. ISLES:

If we have time to get it together before the meeting. We'd be happy to do that. Sometimes we don't have much time, in terms, of getting notice of the items but --

LEGISLATOR CARACCIOLO:

Maybe the Chairman could see to it that --

CHAIRMAN BISHOP:

What is the cost of this roughly?

LEGISLATOR BINDER:

The appraisal. What was the appraisal?

MR. ISLES:

I don't think we have an appraisal.

CHAIRMAN BISHOP:

I think there was a newspaper article, which was for the cost. That's why I'm --

LEGISLATOR ALDEN:

How can you approve acquisitions with no appraisal? So you can't approve acquisitions. You're supposed to have one.

CHAIRMAN BISHOP:

Hold on. I'm running the meeting George. Yes, I am so let's just -- what was the

questions?

MR. BURKE:

The question was how much is the land.

CHAIRMAN BISHOP:

Right, what's the rough value of the property? Not the appraised value. Not the negotiated value. What is the rough estimate? I thought I saw a Suffolk Life Article about this regarding this purchase. Well, it listed numbers in the millions and I just want to know is that correct?

MR. ISLES:

We don't think it would be in that number range. Mr. Burke feels maybe a range about seventy five thousand dollars per acre and that's not an appraisal value on 17 acres.

CHAIRMAN BISHOP:

Is this wetlands? Is it developable property?

MR. ISLES:

A portion of it is wetlands along the river itself. Certainly, a large portion of the property can be developed. No question about that.

LEGISLATOR BINDER:

How many acres?

MR. ISLES:

17 acres.

LEGISLATOR BINDER:

Can it be developed, the 17 acres?

MR. ISLES:

The overall site, in terms, of what can be developed along the Forge River.

CHAIRMAN BISHOP:

I want to know how much?

LEGISLATOR CARACCILO:

17 acres that's his question.

MR. ISLES:

It's wetlands. It's about 15 acres would be upland.

LEGISLATOR GULDI:

15 acres of waterfront.

MR. ISLES:

Of waterfront land.

CHAIRMAN BISHOP:

Forge River, okay and it's Land Partnership Preservation. How oversubscribed are we on Land Partnership Preservation at this point?

MR. ISLES:

It's not too bad. It's a --

MR. BURKE:

Basically, if we follow through everything in contract, we'll have spent the money allocated for the Year 2001. So anymore deals that we'll be going into now, at this point, it probably wouldn't close until --

CHAIRMAN BISHOP:

You're right exactly that's not what I'm --

MR. BURKE:

Are we oversubscribed? We're just about where we should be at this point. Anything else would be an approval now, we're going to go to contracts, we're folding it to 2002 anyway. So if you use multifaceted money for this or other deals, we should be okay.

CHAIRMAN BISHOP:

We have a motion to approve by Legislator Guldi that's been seconded by yourself.

LEGISLATOR CARACCILO:

On the motion? This is a Land Partnership deal with the Town of Brookhaven. They are using their ten million-dollar {Magio} fund. Correct, to make this acquisition or are they bonding this?

MR. BURKE:

If it's a {Magio} or if it is through their bonding, they have also had a bond --

LEGISLATOR CARACCILO:

Do we know what mechanism they're using?

MR. BURKE:

I could find that out. I don't know how they're matching their money. It's up to the Town of Brookhaven.

LEGISLATOR CARACCILO:

Right. Do we know what their fund balance is or match here? I only raise these issues because I want to make sure that they're serious about the acquisition.

MR. BURKE:

Oh, yes. My conversations with the Town Attorney, they are very serious about this acquisition and they have the funds in place, as far as this goes.

CHAIRMAN BISHOP:

Other acquisitions wood -- All right. We have a motion and a second. All in favor?

LEGISLATOR ALDEN:

I have a question though?

CHAIRMAN BISHOP:

On the motion, Legislator Alden.

LEGISLATOR ALDEN:

Tom, when we approve these, okay, who actually sets the priority as to when you're going to negotiate with the owners and which pieces of property get a higher priority or a lower priority or is it just calendar day that we approve it? Is that how they're worked on?

MR. ISLES:

I think part of it depends on the program. Certainly, anything that the Legislature has authorized, we then proceed with steps to acquire the property in good faith negotiations with owners. So if somebody comes forth with something that's within our appraised amounts and we have a legislative authorization to purchase then and we have a willing seller, then we would then proceed with the acquisition.

LEGISLATOR ALDEN:

Can some parcels jump ahead of others? Like say, if we approve the acquisition or

something in January and then in May, or June, or July, or August?

MR. BURKE:

It's a first come, first serve basis. To a certain degree, yes.

LEGISLATOR ALDEN:

But no but say, for instance, you know, we approve the acquisition. We go and throw the offer out to the seller; they don't get back to us right away. I mean, obviously we're throwing out some other offers in between there.

MR. ISLES:

We may wind up not going ahead with that deal, if in the meantime, we've allocated that fund somewhere else.

LEGISLATOR ALDEN:

How many people actually working on and these are all in one -- they are all in one department, right?

MR. ISLES:

Yes.

LEGISLATOR ALDEN:

So whether you're buying a horse farm or whether you're buying rights to a piece of property that's all done in the same department. How many people?

MR. BURKE:

Same unit but with different people. I have people who are assigned for Farmland purchases. I have people assigned for Quarter Percent Open Space.

LEGISLATOR ALDEN:

How many total people do you have doing that?

MR. BURKE:

I have -- there's six people who are working on it in the Acquisition Unit.

LEGISLATOR ALDEN:

So that includes Greenways? That includes that Quarter Cent? That includes everything?

MR. BURKE:

That's correct.

LEGISLATOR ALDEN:

Six people.

CHAIRMAN BISHOP:

Right. Well, now that we have this one, a multifaceted program, he's got a much better ratio.

LEGISLATOR CARACCILO:

Mr. Isles, who will hold title on this property?

MR. BURKE:

Well, if it's a Land Preservation, it's usually either held Tenants in Common by the County and the Town. Generally is how we work on it.

LEGISLATOR CARACCILO:

I'm reading the Town Board Resolution. It says the Town Board; the Town is hereby authorized to acquire fee simple absolute and lesser interest of the subject premise.

MR. BURKE:

Right.

LEGISLATOR CARACCILOLO:

Right, George?

LEGISLATOR GULDI:

The lesser interest would be Tenants in Common.

LEGISLATOR CARACCILOLO:

Okay.

CHAIRMAN BISHOP:

That's a share, share. It's fair. Okay. Why is the Parks Commissioner up there? On this do you have a -- no, okay? Motion and a second. Try it again. All in favor? Opposed? Motion is approved.

I.R. NO. 1691 Approving acquisition under Suffolk County Land Preservation Partnership Program (Fanning Landing Road Property, Moriches) (Town of Brookhaven) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Fred Towle)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

I just want to note one thing, Legislator Alden. It's been my observation over the years that when you oversubscribe a program, in effect, you're handing more power to the Executive Branch so --

LEGISLATOR GULDI:

We also --

CHAIRMAN BISHOP:

But traditionally, the over-subscription ratio was two to one. You can go double -- want double and you'll get half. I think you know what I mean. Okay. All right, moving along. It's late. 1695 authorizing land acquisition Pay-As-You-Go Quarter Cent Taxpayer Protection Program.

LEGISLATOR FIELDS:

I withdraw that.

CHAIRMAN BISHOP:

Withdrawn. All right, 1717 authorizing planning steps for the acquisition of land under Pay-As-You-Go Quarter Cent Taxpayer Protection Program, land on Main Street, Holbrook.

LEGISLATOR CARACCILOLO:

Do we have a willing seller?

CHAIRMAN BISHOP:

This is planning steps.

LEGISLATOR CARACCILOLO:

Do we have a willing seller?

CHAIRMAN BISHOP:

Do we have a willing seller?

MR. ISLES:

Not that I'm aware of.

CHAIRMAN BISHOP:

What do we have? What do we know?

MR. ISLES:

In the case where they -- the Chamber of Commerce has -- it's apparently looking to construct a small park at this location. It's in the heart of downtown Holbrook on Main Street in Holbrook. And apparently what they're intending to do is to put a little green space in, perhaps a tot lot, things of that nature. We make the point that it's really not part of the -- doesn't really comply with the new Quarter Percent Program, in terms, of meeting one of the five criteria in that program, either the watershed or wetlands or things of that nature. And perhaps we'd suggest to Legislator Lindsay that it be done as an active parkways, if it complies with that.

LEGISLATOR ALDEN:

Rather than this Quarter Cent?

LEGISLATOR BINDER:

Or Preservation.

CHAIRMAN BISHOP:

Motion to table by Legislator Alden, I assume, second by Legislator Binder. All in favor? Opposed? 1717 is tabled.

I.R. NO. 1717 Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4 % Taxpayer Protection Program (Land on Main Street, Holbrook, Town of Islip) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Bill Lindsay)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

Mr. Isles, you'll contact Mr. Lindsay?

MR. ISLES:

Okay.

CHAIRMAN BISHOP:

Thank you. 1718 authorizing planning steps for the acquisition of land under Pay-as-You-Go Quarter Cent Taxpayer Protection Program (Land on Lincoln Avenue, Holbrook, Town of Islip)

MR. ISLES:

This is similar except that they're not proposing a park in this case. This is apparently initiated through Legislator Lindsay and the Town of Islip. It's a parcel in the vicinity of the MacArthur Airport approach zone. It's a parcel that is adjoining houses in a very densely developed location and probably not a bad acquisition; however, it doesn't appear to comply to the requirements of the new Quarter Percent Program. We would suggest that perhaps it could be done under the 125E Program, which is revenue sharing reserve for Town of Island.

LEGISLATOR CARACCILOLO:

Motion to table.

CHAIRMAN BISHOP:

Is there money in that?

MR. ISLES:

There is money. Whether it's enough to cover this I'm not certain of, at this point. There isn't -- about one and a half million left right now.

CHAIRMAN BISHOP:

How large a parcel is this? Nine acres, oh my.

LEGISLATOR ALDEN:

Mr. Chairman?

CHAIRMAN BISHOP:

In any case, you would need planning steps.

LEGISLATOR ALDEN:

I have a question. Tom, there's a number of parcels that are already in there for that Quarter Cent. If they all closed, how much money do we have left? Nothing?

MR. ISLES:

Yes, we're actually working on that right now for this committee. We're certainly spent out for this year's Quarter Percent Monies. We think if all the transactions go forward, we'll definitely work our way into the Year 2002. So I'm hoping by maybe next committee meeting, I can give you an update, in terms, of what's been offered in this Legislature and the new Quarter Percent Program.

LEGISLATOR ALDEN:

Okay, thanks.

CHAIRMAN BISHOP:

I would make a motion to approve on 17.

LEGISLATOR FISHER:

I'll second that.

LEGISLATOR CARACCILO:

On the motion?

LEGISLATOR FISHER:

Oh, I had a question on the motion.

CHAIRMAN BISHOP:

On the motion Legislator Caracciolo, then Legislator Fisher.

LEGISLATOR CARACCILO:

It's very important that the committee be consistent with respect to policy and here we're talking about a resolution that we just heard, we don't have a funding source. So to go blindly ahead and give the community, as well as the sponsor, perhaps false hope that we can consummate a deal after we receive an appraisal. I'd like to know what funding we will use at that time, within a month or two months time, the property owner says, okay I like your appraised value, I'm willing to sell. Where does Mr. Isles go to find the money to make this purchase?

MR. ISLES:

The resolution right now is planning steps. We'd have to come back to the Legislature for actual authorization to purchase.

LEGISLATOR CARACCILO:

Well, we could be spending taxpayers money, to use another Legislator's expression a few meetings ago, willy nilly okay and then -- I mean, a 10-acre parcel, Town of Islip appraised value, I don't know what it is.

MR. ISLES:

I don't know either.

LEGISLATOR CARACCILO:

What would planning steps cost us, in terms, of an appraisal? Five thousand dollars, ten thousand dollars?

MR. BURKE:

The appraisals that are actually coming, we've instituted a bid process and the bids are coming down, appraisals anywhere between twenty-five to five. Twenty five hundred, to five thousand.

LEGISLATOR CARACCIOLO:

Okay. So how do we justify to the taxpayers that we spent twenty five hundred dollars or five thousand dollars and we knew right up front that we didn't have a fund to pay the tab?

MR. ISLES:

That's why we're suggesting here, I think that the -- it doesn't appear to comply with the requirements and the new Quarter Percent. Perhaps it could fit under the revenue sharing, 125E Program and that's something we can look into further. And we would certainly look to have an adequate funding source to cover it, if that were the case.

LEGISLATOR CARACCIOLO:

I make a motion to table.

MR. ISLES:

I think it's at least close.

LEGISLATOR CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

Okay. I have a motion to approve and it's been seconded.

LEGISLATOR FISHER:

And I will second it.

CHAIRMAN BISHOP:

Now there's a motion to table. Is there a second on the motion to table by Legislator Alden.

LEGISLATOR FISHER:

On the motion?

LEGISLATOR BINDER:

On the motion?

LEGISLATOR FISHER:

Okay, Counsel, if we were to approve planning steps for the acquisition of this parcel, could we, in the subsequent authorizing resolution, fund it through a different program than that program, which is named in this planning steps resolution?

MR. SABATINO:

Yes, you could make a separate distinct decision to acquire it under a different program.

LEGISLATOR FISHER:

So, Mr. Isles has indicated that a more appropriate funding source would be 125E?

MR. ISLES:

Maybe 125E, right.

LEGISLATOR FISHER:

And are there sufficient funds in that fund?

MR. ISLES:

I think so. But it's not appraisal, we don't know that for certain at this point.

CHAIRMAN BISHOP:
Legislator Fields?

LEGISLATOR FISHER:
Okay but it's reasonable to assume that there would be enough money in the 125E account to fund this acquisition?

MR. ISLES:
It appears that there's sufficient money there and we would obviously, have to confirm that before giving you a definitive answer on it.

LEGISLATOR FISHER:
Okay, I think it's -- I think that's a very important answer. Because it goes to Legislator Caracciolo's comments, which is that we are being disingenuous, if we're approving. And before I made the motion to approve or seconded the motion to approve, I had asked Counsel that question, which was, would we be able to seek funding from a different program and he said we could. And so that was why I seconded the motion to approve because we could approve the planning steps; start the process going. And at such time that we saw that we had an appraisal, we had the amount of money available to us that we knew we would need, then we could look for the most appropriate funding source. And Mr. Isles has indicated that the 125E would probably have sufficient funds to support this. So I hope that we don't table it. That we do approve it, so that we could move forward.

CHAIRMAN BISHOP:
Legislator Fields and then Legislator Alden.

LEGISLATOR FIELDS:
If we tabled it one more round, couldn't Legislator Lindsay come in with the appropriate -- I would second the motion to table.

CHAIRMAN BISHOP:
Legislator Alden?

LEGISLATOR ALDEN:
Mr. Isles, 125E is the old revenue sharing, right? Water protection?

MR. ISLES:
Yes.

LEGISLATOR ALDEN:
Legislator Fields has a resolution in for the orphanage, which I believe that's like over a million dollars. I have a resolution in for -- right but I'm just -- Okay, I have one in for Barret and I think there's another one pending also in Islip that would bring that fund balance down to a very small amount of money. And if we're talking about 10 acres here, I would be seriously -- I would seriously doubt the ability to pay for this acquisition now, the 125E.

MR. ISLES:
Here again, I'm not saying it's a certainty. I'm aware of the orphanage and progressive ventures mentioned in the other one.

LEGISLATOR ALDEN:
And we didn't pay for the orphanage yet, right? Did it close? No, the money didn't get paid. It didn't close, did it?

CHAIRMAN BISHOP:
I'm just going to reclaim; I want to make a point. That I think what's happening is that we're getting hung up on planning steps resolutions. When we went back a year or two, we didn't have planning steps. Counsel has now advised Legislators that the correct way to go

about purchasing land is to have first planning steps resolutions and then a second resolution for authorization, saying that that originally was the way it was done. And it was only in the late '90's that we left that path and he's advising Legislators to return to that method. So now we have this two-vote process where first you have the planning steps and the second, then you have the authorization. I think that really what we should have done is created a fund for planning steps. So that we could just do appraisals and mapping and then figure out when it came down to, you know, authorizing which fund we're going to go into. So maybe --

LEGISLATOR GULDI:

We've done it a hundred times where we've done appraisals under one program and acquired land under a different program. The planning steps are the same.

CHAIRMAN BISHOP:

Understood.

LEGISLATOR GULDI:

It doesn't matter what program we did the planning in.

CHAIRMAN BISHOP:

But we're having debates like we're locked in, you know --

LEGISLATOR GULDI:

We're not.

LEGISLATOR ALDEN:

Mr. Chairman?

CHAIRMAN BISHOP:

Right.

LEGISLATOR ALDEN:

Mr. Chairman?

CHAIRMAN BISHOP:

And the reason we feel locked in is because the resolution says it's coming out of this program and that's --

LEGISLATOR ALDEN:

Dave?

CHAIRMAN BISHOP:

Yes?

LEGISLATOR ALDEN:

To go one step further in what you just laid out? I believe that Suffolk County should have a policy, as far as identify on a wish list, which are the most environmentally sensitive properties. Which properties would we want to acquire and in what order and then just actively pursue them. We can create the funds actually; we have the fund balances. It's just a matter of allocation and as far as prioritization that I think is important. And you're right Legislator Caracciolo, I think it was the meeting before when I said willy nilly that, you know, we seem to have this process where willy nilly we take one piece of property here and we take another piece of property there. We're just jumping all over the place instead of having a priority that visually we want to protect and then we want to go after all these certain properties and have it prioritized. And do it in a sensible sane type of, whether you want to call it plotting, or whatever type of methodology we want to use. But with the ultimate goal to protect these pieces of property. So I would go one step further even than what the Chairman --

LEGISLATOR BISHOP:

Can we form out of the -- Counsel, this is a question for you. Can we take the Multi-faceted

Fund and form a Sub-Fund; another fund called Planning Fund? Planning and Mapping Fund or something like that. Since we have -- what do we have thirteen million in it? Well, I'll tell you why I think it is a good idea. If it's a -- let me have my question answered, by the way. The reason you'd want to do that is so we wouldn't have endless debates on planning step points about what source the purchase is going to come down to and that --

LEGISLATOR FISHER:

Because we have to have those debates. Because you just said instead of giving us -- that you can have planning steps that indicate one program but when it comes time to have the resolution appropriate the money, it can be rather --

CHAIRMAN BISHOP:

Now, let's say you put in planning steps for the Town of Brookhaven purchase out of Land Partnership Preservation and there is technically no money in Land Partnership Preservation, then you'll have no planning steps done. It actually insures that the purpose of the money --

LEGISLATOR FISHER:

But you do have planning steps because you have your appraisal done.

CHAIRMAN BISHOP:

But you would -- one of the things they're saying is well, you know, there's technically, there's no money in that account, right? Meaning that they can't draw down pursuant to the resolution. The resolution says use x fund. There's no money in x fund, then they can't do your planning steps.

LEGISLATOR FISHER:

Is that true? You can't do the acquisition? I mean the appraisal?

MR. BURKE:

It hasn't happened yet but the thing of this Multi-faceted, we have to know which program to tap into under that Multi-faceted --

CHAIRMAN BISHOP:

Right.

MR. BURKE:

We have to know -- if you want to -- if you're targeting a land preservation on the Multi-faceted, we know that, then we can tap into the Land Preservation Funds for the planning steps fees.

CHAIRMAN BISHOP:

It's something to think about. Perhaps we could --

LEGISLATOR ALDEN:

We can eliminate the whole argument over planning steps and allocation of money for that. We can put it in their budget and just tell them, go make us a wish list in Suffolk County, have available parcels and prioritize them.

LEGISLATOR FISHER:

Mr. Chairman, on that note, getting back to willy nilly. There had been an Ad Hoc Committee that was meeting, in order to begin this process of prioritization. You really didn't agree with the way the process was going because not everyone felt informed as to what was going on in that committee. What has happened with that initiative? Are we going to do that as an Environmental Committee?

CHAIRMAN BISHOP:

We're not going to throw out the work that they did and then you were involved in it. Obviously, we're going to take that information but we're going to re-present it to their entire

committee.

LEGISLATOR FISHER:

Okay, because I think that does avoid some of that haphazard and arbitrary -- I like haphazard and arbitrary and capricious better. But rather than go in that direction, we can be a little bit more circumspect and do our own prioritization, using that process. So where are we? We have a tabling motion.

LEGISLATOR CARACCILO:

Yes, table the motion. I made a motion to table.

CHAIRMAN BISHOP:

Back to where we were. All right and I have a motion to approve. Tabling takes precedence. Do you have a second on your tabling?

LEGISLATOR CARACCILO:

Yes, Legislator Binder, Legislator Fields both tabled it.

CHAIRMAN BISHOP:

Okay. All in favor of tabling? All opposed? Myself and Legislator Fisher. 1718 is tabled.

I.R. NO. 1718 Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land on Lincoln Avenue, Holbrook, Town of Islip)
ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Bill Lindsay)

VOTE: 5-2-0-0 TABLED

CHAIRMAN BISHOP:

All right, 1732 is making a SEQRA determination in connection with the proposed New York State Department of Environmental Conservation Consent Order for Sewer District 18, Hauppauge Industrial, Town of Smithtown. A SEQRA determination. This was determined to be what?

MR. BURKE:

It's on consent order.

CHAIRMAN BISHOP:

Neg. -- Dec?

MR. SABATINO:

This was a Type 11 action.

CHAIRMAN BISHOP:

Meaning no impact? No impact and there is no -- what is the order that's been handed down? Oh, we're just paying the bill?

MR. SABATINO:

There's another bill in another committee, which will actually --

CHAIRMAN BISHOP:

I mean, the consent decree could change as well?

MR. SABATINO:

It requires -- there's two things. There's payment of one fine and there's suspension of another portion of the fine in exchange for the County engaging in a monitoring program.

CHAIRMAN BISHOP:

Oh, okay.

LEGISLATOR FIELDS:

Isn't this the one that came up last time.

CHAIRMAN BISHOP:
Sounds familiar.

LEGISLATOR FIELDS:
And we wondered what we were doing in the future and we were going to ask somebody from --

CHAIRMAN BISHOP:
Right. We were going to ask DPW to be here.

LEGISLATOR FIELDS:
If they were changing.

CHAIRMAN BISHOP:
Maybe he's here.

LEGISLATOR FIELDS:
Right.

CHAIRMAN BISHOP:
Mr. Wright? We lost you in the tremendous crowd that has gathered here.

MR. WRIGHT:
Yes, the issue with this district is that we've had violations over a number of years, not constantly, but a number, in part due to the service area, which is all industrial. And with -- made a lot of strides towards correcting things. But we still need some work to be done both on a process of repair type of situation, as well as the steps that are outlined in the consent order, which are to go through sampling and door to door surveys, which we have done in the past but are not as successful as we'd like to be.

CHAIRMAN BISHOP:
Do we keep a list of the violations from the last, let's say, calendar year?

MR. WRIGHT:
Yes.

CHAIRMAN BISHOP:
Okay. Can you provide that for the committee? I think the question was, do we -- when it came up last time, I think some members of the committee said, oh this is pro-forma, we do this all the time, implying that we're paying out fines for a -- to the federal government all the time. And that peaked some other committee member's interest and wanted to know what is the story?

MR. WRIGHT:
I think, I wasn't here last time and I've heard from Ken Knappe that you were interested in enforcement, you know, in general and Commissioner Bartha just sent you Friday a short summary of -- yes, we've been in business 30 years and we've had six consent orders. Some of which have been substantial. Some, you know, paid by others.

CHAIRMAN BISHOP:
Okay.

MR. WRIGHT:
But you know recently, this is the -- you know, we have one in Port Jefferson this year and --

CHAIRMAN BISHOP:
We had one in Bergen Point last year.

MR. WRIGHT:

An administrative order, which had no fine with it. Just that we had to do some work, which you know, we've completed.

CHAIRMAN BISHOP:

Okay. All right, I'll look for that letter that was sent. I'll forward it to committee members. Legislator Fisher has a question.

LEGISLATOR FISHER:

Bear with me, I do not understand this at all. But if I recall, there was an explanation of the Port Jefferson fines that was a kind of unavoidable circumstance because of outflow and back-flow.

MR. WRIGHT:

I mean, every district has a discharge permit and Port Jefferson, one of the items is percent removal and it says with certain parameters, they have to be removed by 85 percent. Port Jefferson has clean water that we're trying to take out of it from the hospitals and from people's sump pumps. What that does is it weakens the sewage. When the sewage is weaker, you can still have a very good effluent but you haven't met the percent removal, so it's a violation.

LEGISLATOR FISHER:

Okay. Is this the same type of violation?

MR. WRIGHT:

No.

LEGISLATOR FISHER:

Okay.

MR. WRIGHT:

No, this is a violation of one of the parameters, which is nitrogen for groundwater recharge. And we've had some interference with the process because of the strength of the waste that comes in.

LEGISLATOR FISHER:

So then, is this a more pertinent or real an actual violation, as opposed to what we saw on Port Jefferson? Okay, all right. I was just curious about that because -- is there some way for us to know that, you know, can it be earmarked that some are unavoidable and some are not?

MR. WRIGHT:

Well, I'm not sure if this is -- it's completely unavoidable. I mean, we would never say that something is not going to happen. But we've spent a lot of effort, you know, trying to resolve this problem and we still have some work to do.

LEGISLATOR FISHER:

And I suppose we would just have to look at them case by case to determine that. Okay, thank you.

MR. WRIGHT:

This resolution is the SEQRA issue where Public Works Committee will be reviewing the resolution that where it advises the execution and signing of the document.

LEGISLATOR FISHER:

Okay.

CHAIRMAN BISHOP:

That x is going to come up with zero.

LEGISLATOR FIELDS:

They're not involved with this.

LEGISLATOR FISHER:

Okay. Yes, we'll just go ahead on our own.

LEGISLATOR FIELDS:

Are we doing anything to stop this from occurring again? Really get another penalty?

MR. WRIGHT:

Well, what the procedure we're using is we take samples in parts of the service area and we identify what the problems are and then reviewing which connections are made. And what type of industry there is, we try to correlate that with what we're taking a sample on. Then we do intensive sampling and try to control or revise our monitoring plan, so that we deal with these people on a random basis. And nighttime, if they're opened at night, on the weekend, just show up and take samples and make sure they're doing the right thing. Part of the problem with a small district is somebody could be located right next to the plant, which had been a problem until they moved out of State. And they would discharge something and by the time you saw it, they were finished and you didn't know where it came from.

CHAIRMAN BISHOP:

Okay.

LEGISLATOR FIELDS:

I don't think he answered my question. Are we doing anything to prevent us from getting the penalty again?

MR. WRIGHT:

The most we can. We're doing the sampling program. We're going door to door to make sure that people don't do the wrong thing and educating them on what's the wrong thing. Sometimes you have a worker that's in the building that doesn't know what he's doing, you know, discharging properly.

LEGISLATOR FIELDS:

Okay, that answers my question. Thank you.

CHAIRMAN BISHOP:

Okay. Which one was that, 1732? Motion to approve by Legislator Binder, second by myself. All in favor? Opposed?

LEGISLATOR CARACCILO:

Opposed.

CHAIRMAN BISHOP:

Legislator Caracciolo is opposed.

I.R. NO. 1732 Making a SEQRA determination in connection with the proposed NYSDEC Consent Order for Sewer District 18 - Hauppauge Industrial, Town of Smithtown. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 6-1-0-0 APPROVED

CHAIRMAN BISHOP:

1733 appropriating Greenways infrastructure improvement fund grant for Miller Place acquisition, Town of Brookhaven.

LEGISLATOR CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by Legislator Fisher. All in favor? Opposed? 1733 is tabled.

I.R. NO. 1733 Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Martin Haley)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1737 is implementing Greenways Program in connection with acquisition of active parklands at Miller Place. What is the distinction? 1737?

LEGISLATOR FISHER:

This one is acquisition, the other one was improvement infrastructure improvements.

CHAIRMAN BISHOP:

Oh, I see. Okay. Motion to table by myself, second by Legislator Fisher. All in favor? Opposed?

I.R. NO. 1737 Implementing Greenways Program in connection with acquisition of Active Parklands at Miller Place. (Town of Brookhaven) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Martin Haley)

VOTE: 7-0-0-0 TABLED

LEGISLATOR CARACCIOLO:

On the issue?

CHAIRMAN BISHOP:

1739 --

LEGISLATOR CARACCIOLO:

Is this the wedge Mr. Chairman?

CHAIRMAN BISHOP:

A vote was taken. 1739, got to keep moving.

LEGISLATOR CARACCIOLO:

Just a quick question? I'd like to request from Commissioner Scully? I'm sorry.

MR. BURKE:

The DiLeo Sod Farm, it's east of the -- this is Miller Place.

LEGISLATOR CARACCIOLO:

Oh, this is a different property, okay.

CHAIRMAN BISHOP:

And it needs Town Board stuff, right? 1739 is making a SEQRA determination in connection with the proposed playground at Indian Island County Park, Town of Riverhead. SEQRA determination, all in favor? Opposed? 1739 is approved.

I.R. NO. 1739 Making a SEQRA determination in connection with the proposed playground at Indian Island County Park, Town of Riverhead. ASSIGNED TO ENVIRONMENT, LAND

ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

LEGISLATOR CARACCIOLO:

Mr. Bagg is not here?

CHAIRMAN BISHOP:

1740 is making a SEQRA determination in connection with the proposed development of a Master Plan for Cedar Point County Park.

LEGISLATOR CARACCIOLO:

If we can just -- Mr. Chairman? Before we continue, go back to the Indian Island. Is that at the park? I mean, at the campground? And what exactly is the plan?

COMMISSIONER SCULLY:

It's the installation of a piece of playground equipment funded through the Capital Program from the kid installations that we've been using at the active parks.

LEGISLATOR CARACCIOLO:

Type 11 action?

COMMISSIONER SCULLY:

Yes, I'm observing that these are matters that we discussed at the July 30th, session. I thought that they had been approved at that time. Maybe I don't understand the procedures. They come back twice?

MR. SABATINO:

No, I think people have forgotten that the procedure is the Council on Environmental Quality under Statute first takes a look and reviewed. Then they bring them to the Environment Committee. Then the Environment Committee has a dialogue with representatives from CEQ and depending on the nature of that dialogue, it will or will not get to the next stage. This is the next stage, which is the actual formal resolution.

LEGISLATOR BINDER:

This is a Pro-Forma SEQRA. The others were CEQ Resolutions.

COMMISSIONER SCULLY:

Thank you.

LEGISLATOR CARACCIOLO:

Peter, you said it was a Type 11?

CHAIRMAN BISHOP:

I think people are forgetting.

LEGISLATOR CARACCIOLO:

Correct, this was a Type 11 action?

COMMISSIONER SCULLY:

I assume that they called them either a Type 11 --

LEGISLATOR CARACCIOLO:

Peter?

CHAIRMAN BISHOP:

It's a piece of playground equipment. What are you doing?

LEGISLATOR CARACCILO:

Type 11 action? There are wetlands nearby. I want to make sure it's in the right place.

CHAIRMAN BISHOP:

1740 making a SEQRA determination in connection with the proposed development of a Master Plan, Cedar Point County Park. Motion to approve by Legislator Fields, second by Legislator Guldi. All in favor? Opposed? Yes, it's gotten higher. Legislator Guldi is wishing, it's gotten higher. 1740 is approved.

I.R. NO. 1740 Making a SEQRA determination in connection with the proposed development of a Master Plan for Cedar Point County Park, Town of East Hampton. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1741 making a SEQRA determination in connection with the proposed playground at Southaven County Park, Town of Brookhaven. Legislator Caracciolo, do you have questions?

LEGISLATOR CARACCILO:

Type 1 or 11 action. That's all I want to know.

COMMISSIONER SCULLY:

It's a Type 11 action.

LEGISLATOR CARACCILO:

Thank you. Counsel says it's a Type 11.

CHAIRMAN BISHOP:

Toxic seesaw.

LEGISLATOR FISHER:

Quick question, quick question. I couldn't get the word out. Peter, where is this? Is it by the steamers? What part of the park is it?

COMMISSIONER SCULLY:

We've installed playgrounds at the active portion of the park. I believe that this one is going into the campground facility. I'll check and make sure for you.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, second by Legislator Guldi. All in favor? Opposed? 1741 is approved.

I.R. NO. 1741 Making a SEQRA determination in connection with the proposed Playground at Southaven County Park, Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1742 making a SEQRA determination in connection with proposed development of a Master Plan to address water-control structures in waterways throughout the County Parklands.

LEGISLATOR BINDER:

Motion.

LEGISLATOR GULDI:

Are you going to do the Master Plans in-house Peter? Commissioner Scully?

COMMISSIONER SCULLY:

No, we're not because we don't have staff resources to do management tasks in the Parks Department, unfortunately.

CHAIRMAN BISHOP:

What are water-control structures?

MR. SCULLY:

Dams, spillways and the like. The project has a little bit of a history. I guess that the department has been working with the Department of Public Works for about two years on a proposal to do what is essentially an assessment of dams, spillways and similar structures in County Parkland, which is subject to deterioration over time. The idea would be to create an inventory, which is now being finalized and to use that as a basis for an RFP to have an engineering firm go out and assess them and determine which of those structures is in need of any remediation or repair.

LEGISLATOR CARACCILOLO:

Where would the funding come from for the actual consultant services?

COMMISSIONER SCULLY:

The department would come back to the Legislature seeking appropriation of Capital Funding for that purpose.

LEGISLATOR CARACCILOLO:

Okay.

CHAIRMAN BISHOP:

Okay. Motion to approve by Legislator Alden, second by Legislator Caracciolo. All in favor? Opposed? 17 whatever is approved.

I.R. NO. 1742 Making a SEQRA determination in connection with the proposed Development of a Master Plan to address Water-Control Structures in Waterways throughout County Parklands. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1743 making a SEQRA determination in connection with proposed development of a Traffic Study for Cupsogue County Park.

LEGISLATOR FISHER:

Cupsogue.

LEGISLATOR GULDI:

Motion.

LEGISLATOR CARACCILOLO:

Mr. Chairman? Park Commissioner? Peter, is this -- I believe the park is actually in the Town of Brookhaven. Yes it is.

COMMISSIONER SCULLY:

Cupsogue County Park is at the --

LEGISLATOR CARACCILOLO:

Eastern most point in the Town of Brookhaven.

COMMISSIONER SCULLY:

It was originally a Town of Brookhaven Park. I believe it was swapped with the County. For

what I don't remember.

LEGISLATOR CARACCILO:

So for purposes of a technical correction to the resolution, it is in the Town of Brookhaven?

COMMISSIONER SCULLY:

Point well taken.

LEGISLATOR FISHER:

Southampton?

LEGISLATOR GULDI:

Yes.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, second by Legislator Fisher. All in favor? Opposed? Whatever town it's in, the traffic is there. It needs to be looked at.

I.R. NO. 1743 Making a SEQRA determination in connection with the proposed Development a Traffic Study for Cupsogue County Park, Westhampton, Town of Southampton. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1744 making a SEQRA determination in connection with the proposed Master Plan for Meschutt County Park, Hampton Bays, Town of Southampton.

LEGISLATOR GULDI:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, second by Legislator Fisher. All in favor? Opposed? 1744 is approved.

I.R. NO. 1744 Making a SEQRA determination in connection with the proposed Master Plan for Meschutt County Park, Hampton Bays, Town of Southampton. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1745 is making a SEQRA determination in connection with the proposed construction of a Sanitary Facility at Southhaven County Park.

LEGISLATOR FIELDS:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fields, second by Legislator Guldi. All in favor? Opposed? 1745 is approved.

I.R. NO. 1745 Making a SEQRA determination in connection with the proposed construction of a Sanitary Facility at Southhaven County Park, Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1746 making a SEQRA determination in connection with the proposed construction of a Sanitary Facility at Indian Island County Park.

LEGISLATOR CARACCILOLO:

What type action?

COMMISSIONER SCULLY:

Type 11.

LEGISLATOR CARACCILOLO:

Type 11, thank you. Counsel, would you say Type 11?

CHAIRMAN BISHOP:

Are they making number 1 or number 2, it's -- Okay, so the answer is number 2.

LEGISLATOR GULDI:

I don't know but I hear they go out for a walk in the woods together. I don't want to be there for that.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed? 1746 is approved.

I.R. NO. 1746 Making a SEQRA determination in connection with the proposed construction of a Sanitary Facility at Indian Island County Park, Town of Riverhead. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1747 making a SEQRA determination in connection with proposed replacement of an existing bridge at Blydenburgh County Park. Motion by Legislator Bishop, second by Legislator Alden. All in favor? Opposed? 1747 is approved.

I.R. NO. 1747 Making a SEQRA determination in connection with the proposed Replacement of an Existing Bridge at Blydenburgh County Park, Hauppauge, Town of Smithtown. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1748 a SEQRA determination in connection with the proposed construction of an extension to the Horse Shelter at Theodore Roosevelt County Park, Town of East Hampton. Motion by Legislator Binder, second by Legislator Guldi. All in favor? Opposed? 1748 is approved.

I.R. NO. 1748 Making a SEQRA determination in connection with the proposed construction of an extension to a Horse Shelter at Theodore Roosevelt County Park, Town of East Hampton. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

Can I ask a question, at this point, since we're making such good progress? Let me just throw a wrench into the wheels of progress. On these SEQRA's, when do we Type 1 them? When are they ever -- That's silly. 1749 making a SEQRA determination in connection with

the proposed maintenance or repair to the Caretaker's House at the Chandler Estate.

LEGISLATOR GULDI:

Motion.

CHAIRMAN BISHOP:

You know who we bought it from?

LEGISLATOR GULDI:

Yes.

LEGISLATOR FISHER:

Yes.

CHAIRMAN BISHOP:

Motion by Legislator Fields, second by Legislator Fisher. All in favor? Opposed?

I.R. NO. 1749 Making a SEQRA determination in connection with the proposed maintenance or repair to the Caretakers House on on the Chandler Estate, Mt. Sinai, Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

LEGISLATOR GULDI:

And while we're on that subject, I just requested from real estate and their appraisal sections, all the acquisition and appraisal documentation, because of the concern about where we bought that from.

CHAIRMAN BISHOP:

Chandler.

LEGISLATOR FIELDS:

When will we receive that appraisal? All that information?

LEGISLATOR GULDI:

I asked for it. I didn't ask for a timeline. I presumed I would receive it promptly. I'll let you know by Tuesday.

LEGISLATOR FIELDS:

Because I asked for it, on the record, in this committee one year ago. Actually, it was at a Parks Committee Meeting and we have not received it. So how long --

CHAIRMAN BISHOP:

It's a County Law that if you put it in writing and sent it to the department they have a --

LEGISLATOR GULDI:

Five days.

CHAIRMAN BISHOP:

Five days or something.

LEGISLATOR FIELDS:

Well, then somebody is under arrest.

CHAIRMAN BISHOP:

A determination in connection with the proposed preliminary planning and budgetary process for the Chandler Estate. Now is this a Type 11? What I don't understand is if you're planning what you're going to do with the future of newly acquired County property, wouldn't that be the essence of the Type 1?

MR. SABATINO:

There's a category under Type 11, which talks about -- I think it's sub-paragraph 20, 21 and 27, which says that if you're doing preliminary planning steps, which don't result in a binding commitment on behalf of the County. Or if you're doing engineering, consulting or budgetary practices, again, which don't have a binding effect.

CHAIRMAN BISHOP:

So if the plan was more than preliminary and it had a binding impact, then it would be a Type 1?

MR. SABATINO:

Actually, with all the ones you've done, this one fits the best within Type 11 because it actually fits the exact language.

CHAIRMAN BISHOP:

So the others don't fit?

MR. SABATINO:

The others fit but I mean they are not as close a fit as this.

CHAIRMAN BISHOP:

Playgrounds and such. Motion by Legislator Binder, second by Legislator Alden, 1750 is approved.

I.R. NO. 1750 Making a SEQRA determination in connection with the proposed Preliminary Planning and Budgetary Processes for the Chandler Estate, Mt. Sinai, Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer Paul Tonna)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1768, we leave SEQRA's now and we go to appropriating funds for the Capital Budget in connection with the Environmental Health Laboratory and its equipment. Motion by Legislator Fields, second by Legislator Bishop. All in favor? Opposed? 1768 is approved.

I.R. NO. 1768 Appropriating funds in the Capital Budget in connection with the Environmental Health Laboratory Equipment (CP 4079) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1784 is amending resolution 749 of 2000, authorizing the acquisition under the Suffolk County Land Partnership Preservation Program, Town of East Hampton. The Leonard property. This is a technical --

MR. SABATINO:

This is an example of what Legislator Fisher mentioned before, where you're going from Open Space, I'm sorry from active Parkland to Open Space.

CHAIRMAN BISHOP:

And this is the County Executive's Resolution going from active Parkland to Open Space. All in favor? Oh, a motion by myself, second by Legislator Caracciolo. All in favor? Opposed? 1784 is approved.

LEGISLATOR GULDI:

List me as a co-sponsor on that.

I.R. NO. 1784 Amending Resolution No. 749-2000 authorizing acquisition under Suffolk County Land Preservation Partnership Program, Town of East Hampton. (The Nature Conservancy Property, formerly Leonard Property, Airport Preserve - SCTM No. 0300-155-01-021 & 032) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)
Co-sponsor Legislator George Guldi

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1787 authorizing planning steps for implementing Greenways Program in connection with the acquisition of Active Parklands at Jericho Turnpike, Town of Huntington. Legislator Binder. Motion to table by Legislator Binder, second by Legislator Guldi. All in favor? 1787 is tabled.

I.R. NO. 1787 Authorizing planning steps for implementing Greenways Program in connection with acquisition of Active Parklands at Jericho Turnpike (Town of Huntington) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Allan Binder)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1788.

LEGISLATOR BINDER:

Motion to table.

CHAIRMAN BISHOP:

As discussed earlier by Legislator Binder, his wish is to table it, second by Legislator Alden. All in favor? Opposed? 1788 is tabled.

I.R. NO. 1788 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Jill Estates Property at Dix Hills) Town of Huntington. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Allan Binder)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1789 we dealt with previously. 1791 is authorizing land acquisition under Pay-As-You-Go Quarter Cent Taxpayer Protection Program, Dam Pond Property, Town of Southold. Dam Pond. Legislator Caracciolo.

LEGISLATOR CARACCILO:

A motion to approve. This would complement acreage we bought there a year and a half ago and this is immediately adjacent to that property.

LEGISLATOR GULDI:

Do we have a willing seller?

LEGISLATOR CARACCILO:

Yes we do.

CHAIRMAN BISHOP:

Did we do planning steps yet?

LEGISLATOR GULDI:

Have we made them an offer?

LEGISLATOR CARACCILO:

I don't believe we've made anyone an offer at this point.

LEGISLATOR GULDI:

How do we know if they're willing?

LEGISLATOR CARACCILO:

No, actually the seller came to the Town and the County to see if we'd be willing to purchase it for preservation purposes.

LEGISLATOR GULDI:

Well, the point I'm trying to make and not to belittle the inquiry but technically, a willing seller only occurs when you have a deal, when you have acceptance of an offer. And to inquire as to whether or not the seller is willing is contrary to everything you've done in land acquisition from the beginning of the Farmland Program in the '70's, because there is no such thing as a willing seller.

CHAIRMAN BISHOP:

Thank you.

LEGISLATOR GULDI:

And you've got a deal.

CHAIRMAN BISHOP:

We're not going to have this debate now. We had it already. It was joined and we've left it.

LEGISLATOR GULDI:

So in point of fact, at the moment, you don't have a willing seller here because you haven't made an offer and it hasn't been accepted.

LEGISLATOR CARACCILO:

Well, question?

LEGISLATOR BINDER:

Motion to table, subject to call.

LEGISLATOR GULDI:

No, I'm not making that motion. I'm pointing out that the inquiry is not a fruitful inquiry.

LEGISLATOR CARACCILO:

When this Legislature took up a C/N for Shadmoor and Jacobs Farm, did we have a willing seller?

LEGISLATOR GULDI:

Technically no, because we didn't have the offer.

LEGISLATOR CARACCILO:

How much money did this Legislature approve to buy -- to make those two acquisitions and we didn't have a willing seller? If you want consistency, I'm with you.

LEGISLATOR GULDI:

And that's the point I'm making is I'm not trying to defeat your resolution. What I'm pointing out to you is that this -- on the criteria you've been applying here, you do not meet it on this acquisition that you're moving.

LEGISLATOR CARACCILO:

Nor do I think --

LEGISLATOR GULDI:

Nor do we ever meet it.

LEGISLATOR CARACCILO:

Right.

LEGISLATOR GULDI:

That's the point I'm making. We don't need it. It's not an inquiry we should be making, Mr. Chair.

LEGISLATOR CARACCIOLO:

Point well taken, George.

LEGISLATOR BINDER:

Mr. Chairman?

CHAIRMAN BISHOP:

Legislator Binder.

LEGISLATOR BINDER:

Who is the owner and how did they come to have this particular --

LEGISLATOR CARACCIOLO:

Mr. Isles could respond to that.

CHAIRMAN BISHOP:

Okay. Take care of that, Isles.

MR. ISLES:

The owner is a person by the name of {Literree} and that was the first question you had?

LEGISLATOR BINDER:

Yes and how does he come to have these parcels?

LEGISLATOR CARACCIOLO:

I believe he approached the Peconic Land Trust. It was not -- I believe that was the approach?

LEGISLATOR ALDEN:

He got it at the County auction two years ago.

LEGISLATOR CARACCIOLO:

Correct, Jim?

MR. BURKE:

Yes.

LEGISLATOR CARACCIOLO:

Yes.

LEGISLATOR BINDER:

In other words, he bought it from --

LEGISLATOR CARACCIOLO:

I believe this owner has had the property for a number of years. He could develop this property or some of the parcels on this property. Some of it is waterfront?

MR. ISLES:

Yes.

LEGISLATOR CARACCIOLO:

Right. Sound front property. That's all I know about the property -- Peconic Land Trust.

LEGISLATOR BINDER:

How many years he's owned it -- like for generations?

LEGISLATOR CARACCILO:

I believe it's about 20 years. Because I did make inquiry of that when we met with the Peconic Land Trust.

MR. ISLES:

And it's apparently working with Peconic Land Trust on a partial donation, tax credits and things of that nature. It's a pretty involved matter. But we will point out, just in terms of the program; it does include freshwater wetlands. It is within a watershed of a coastal plan that's within the Peconic Estuary.

LEGISLATOR CARACCILO:

And it's adjacent to the property that we purchased two years ago.

LEGISLATOR GULDI:

It's in an area where we have a critical water shortage.

CHAIRMAN BISHOP:

Legislator Alden.

LEGISLATOR ALDEN:

Tom, this is the new Quarter Cent?

MR. ISLES:

Yes.

LEGISLATOR ALDEN:

Okay. We're oversubscribed and this is going to put us, how far oversubscribed?

MR. ISLES:

Well, as indicated earlier, we -- in terms of the parcels that have been approved for acquisition by the Legislature thus far, we look at what the estimated value is of those parcels versus what we expect to get this year in the new Quarter Percent Program. That money is spent. So I guess the question then and I think I indicated we're going to prepare a list for you for the next meeting that would outline what's been approved thus far. So some of these acquisitions may have to go into next year possibly. Or the other aspect is that not every acquisition that the Legislature authorized is accomplished and that there are sellers who don't sell and therefore, that may free up some money. I don't believe we've done any closings on parcels that have been authorized by the Legislature under the new program, so everything is up for negotiation at the present time.

LEGISLATOR ALDEN:

Okay. In that case, I would support this but only in this manner too and you're representing that this would be high on your list if you established the Countywide priority list, as far as properties to protect?

MR. ISLES:

Yes, I think this one would be pretty high that you're talking about.

LEGISLATOR ALDEN:

Good and there's only one other comment that I'm going to make and if -- I absolutely would not support any acquisitions if we're going to go forward with any Pilot Program, Pilot Payment Programs but right now that's tabled. But you know -- so I will support this one.

LEGISLATOR GULDI:

Motion to approve.

CHAIRMAN BISHOP:

How many acres? And what's the rough value?

MR. ISLES:
About sixteen acres.

CHAIRMAN BISHOP:
And what does an acre go for out in Southold? Range?

LEGISLATOR CARACCILOLO:
Because there are tax advantages to the property owner for donating portions of the property, I think the overall cost of this purchase would be substantially less under the approach that's being taken with Peconic Land Trust than it would otherwise. So there is a savings to taxpayers, as opposed with an outright purchase. Is that correct, Mr. Isles?

MR. ISLES:
Definitely.

LEGISLATOR CARACCILOLO:
Definitely.

CHAIRMAN BISHOP:
What's the rough value of this?

MR. ISLES:
Rough value? Just an estimate, it might be --

CHAIRMAN BISHOP:
A range.

LEGISLATOR CARACCILOLO:
Give us a range?

MR. ISLES:
One million to one point two million, somewhere around there.

CHAIRMAN BISHOP:
You should give a wider range than that.

MR. ISLES:
Okay.

CHAIRMAN BISHOP:
Okay. Where are we on the over-subscription of this program?

MR. BURKE:
The program has one in contract. You've authorized three of them. There is one in Huntington, we are in contract, other than that, we don't have anything and a definite --

CHAIRMAN BISHOP:
Okay. Motion to approve by Legislator Caracciolo, second by Legislator Bishop. All in favor? Opposed? 1791 is approved.

I.R. NO. 1791 Authorizing land acquisition under Pay-As-You-Go 1/4% Taxpayer Protection Program (Dam Pond Property, Town of Southold, Suffolk County Tax Map Numbers 1000-031.00-05.00-001.002, 1000-23.00-01.00-003.004 and 1000-23.00-01.00-020.000)
ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Legislator Michael Caracciolo)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

CEQ Resolutions. There is no CEQ person to lead us through them?

LEGISLATOR FISHER:

No, there are only two resolutions and they're tabled, aren't they?

CHAIRMAN BISHOP:

What's the implication if we don't take them up today? Nothing? They come back again next time?

MR. SABATINO:

The only one that's important is on 49, because in the Ways & Means Committee, the underlying legislation was approved.

LEGISLATOR GULDI:

It was discharged without recommendation. Oh, no it was approved, three to one. But I'll make a motion to discharge this to the floor with that. Because I didn't -- the resolution, I'll make the motion to discharge 49.

MR. SABATINO:

Technically, what has to happen is Legislator Guldi's motion has to be to approve 49 and with a direction to the sponsor to add this to the resolution that was adopted out of your committee this morning. Because they are kind of short circuiting the process a little bit, which is doable, as long as they get the language of 49 into the legislation that authorizes the license.

LEGISLATOR FISHER:

Don't we have to vote on 48 first?

LEGISLATOR ALDEN:

I'll make a motion to approve this and add it to the other resolution that was approved in Ways & Means.

LEGISLATOR FISHER:

Did we vote on 48, CEQ? So don't we need to do that first?

CHAIRMAN BISHOP:

Why don't we save that for next time?

LEGISLATOR GULDI:

Motion to table.

CHAIRMAN BISHOP:

Motion to table, second by myself. All in favor? Opposed? 48 is tabled. 49 --

LEGISLATOR FISHER:

I'll wait.

MR. WRIGHT:

By mistake, 48-01 really needs to be --

LEGISLATOR FISHER:

The other resolution that we did on consent.

LEGISLATOR FIELDS:

The consent.

LEGISLATOR FISHER:

Yes, we already approved that.

CHAIRMAN BISHOP:

I'm sorry.

LEGISLATOR GULDI:

So that one was approved.

CHAIRMAN BISHOP:

Resolution 40 -- I have a motion to reconsider by myself, second by Legislator Guldi. All in favor? Opposed? Okay. 48 is now reconsidered.

LEGISLATOR ALDEN:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Alden.

LEGISLATOR FISHER:

Second.

CHAIRMAN BISHOP:

Second by Legislator Fisher. All in favor? Opposed? Legislator Caracciolo is opposed.

CEQ RESOLUTIONS:

Tabled Resolutions

48-01 Proposed NYSDEC Consent Order for Sewer District 18 - Hauppauge Industrial, Town of Smithtown, Type 11 Action.

VOTE: 6-1-0-0 APPROVED

LEGISLATOR FISHER:

Now we can go to 49.

CHAIRMAN BISHOP:

Got that? Is it all right? All right, I can 48 -0

LEGISLATOR FISHER:

Approved.

CHAIRMAN BISHOP:

Everybody quiet for a second.

LEGISLATOR FISHER:

Sorry.

CHAIRMAN BISHOP:

Was approved. Caracciolo, right. Now we're on 49.

LEGISLATOR ALDEN:

On 49, I'm going to make a motion to approve 49-01 and add it to the resolution that was approved in Ways & Means.

MR. SABATINO:

It was I.R. 1576.

LEGISLATOR ALDEN:

I.R. 1576.

CHAIRMAN BISHOP:

Motion to approve by Legislator Alden with the stipulation, I don't know if we can do that. Can we do that?

MR. SABATINO:

What I had said at the Ways & Means Committee was that you really had to wait for the SEQRA process to be completed. However, because there was a compromise worked out with the group that wants to license and they've doubled the amount of money that's going to be paid, there was a desire to try to consolidate the process and expedite it. So what you have to do to make that process work is you've got to get the language of this 49 into 1576. So all you can do in this committee is approve it with a direction to the sponsor, which is the County Executive's Office to make sure they get the language into 1576. Otherwise, 1576 will have to be tabled on the floor and then it will have to wait one full cycle. But since there was a desire not to let that happen, I was trying to find a way to bridge that gap for you to make it work.

LEGISLATOR FISHER:

Second the motion.

CHAIRMAN BISHOP:

Are we all right? I have a motion and a second by Legislator Fisher. Motion is made by Legislator Alden. All in favor? Opposed?

LEGISLATOR CARACCILOLO:

Abstain.

LEGISLATOR GULDI:

I'll abstain.

CHAIRMAN BISHOP:

I'll abstain as well.

LEGISLATOR FISHER:

Does it pass then?

LEGISLATOR GULDI:

That passes.

LEGISLATOR FISHER:

Okay.

49-01 Proposed Ocean Grounding Beds at Smith Point County Park, Fire Island, Town of Brookhaven. Type 11 Action.

VOTE: 4-0-3-0 APPROVED

CHAIRMAN BISHOP:

To the tabled resolutions. All right, 1024 motion to table by Legislator Caracciolo, second by myself. All in favor? Opposed? 1024 is tabled. 1185 a motion to table by myself, second by --

MR. SABATINO:

Actually, just for the record Mr. Chairman, 1024 has expired under the six month rule, so you can strike from your --

CHAIRMAN BISHOP:

Excellent. 1185 Motion to table.

MR. SABATINO:

Just so you know, 1185 has one more cycle. So it could be tabled one more time and then

it's going to expire.

CHAIRMAN BISHOP:

Motion by myself to table, second by Legislator Guldi. All in favor? Opposed? 1185 is tabled.

INTRODUCTORY NON-PRIME:

I.R. NO. 1185 Approving acquisition under Suffolk County Land Preservation Partnership Program. (Ridgehaven Estates LLC Property) Town of Brookhaven. (Legislator Martin Haley)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1230 motion to table by Legislator Guldi, second by Legislator Fisher. All in favor? Opposed? 1230 is tabled. List me as opposed to tabling.

I.R. NO. 1230 Authorizing Acquisition of Environmentally Sensitive lands to be acquired with current funding pursuant to Article XII of the Suffolk County Charter (County Executive)

VOTE: 6-1-0-0 TABLED

CHAIRMAN BISHOP:

1265 approving acquisition under Suffolk County Land Partnership Preservation Program.

LEGISLATOR FISHER:

We withdrew that.

LEGISLATOR GULDI:

That was withdrawn.

LEGISLATOR FISHER:

That was withdrawn?

LEGISLATOR GULDI:

Counsel?

LEGISLATOR FISHER:

Earlier in the agenda.

CHAIRMAN BISHOP:

Yes, okay withdrawn. Let's move on. 1237 --

MR. ISLES:

That was a different one.

LEGISLATOR FIELDS:

No that's not the same one.

CHAIRMAN BISHOP:

1265, return to 1265 approving acquisition under the Land Partnership Preservation Program at Portion Road, Lake Ronkonkoma.

LEGISLATOR CARACCILO:

Where is the property located? What abuts and surrounds the property and approximately what would be the fair market value?

MR. ISLES:

This parcel is located along the south side of Portion Road, which is County Road 16 in the Hamlet of Lake Ronkonkoma. It's about a two-acre parcel. It is -- it was approved by the Parks Trustees or recommended for approval by the Parks Trustees on August 16th of this year, last week. The parcel is currently improved with a small residence along Portion Road and the rest of the parcel is primarily wooded. The surrounding uses consist of the highway Portion Road along the north side and then residences surrounding most of the other three sides of the property.

LEGISLATOR CARACCILO:

What did the County do with the property? We have a house on a 2-acre parcel?

LEGISLATOR FIELDS:

May I interrupt?

LEGISLATOR ALDEN:

That sounds good.

LEGISLATOR FIELDS:

Isn't this the one that you gave a zero rating two months ago?

MR. ISLES:

Yes.

LEGISLATOR FIELDS:

Okay.

MR. ISLES:

Yes this was the parcel that the Planning Department reviewed.

CHAIRMAN BISHOP:

All right, motion to table by myself, second by --

LEGISLATOR CARACCILO:

I'm just curious. Why would the Parks Trustees even consider this?

MR. ISLES:

Because it's part of a much larger plan involving many other parcels in the Portion Road Corridor. At the Trustees Committee Meeting last week, Legislator Caracappa appeared and made a presentation, in terms, of this parcel in relation to many other vacant parcels. And his point was that as you look at more of a comprehensive examination of this portion of Lake Ronkonkoma that there is a benefit to preserving Open Space the remaining Open Space in this area based on wetlands, scuttle holes and things of that nature.

LEGISLATOR CARACCILO:

I understand that. But you said all of the surrounding property is presently developed as single and separate family residents?

MR. ISLES:

Right.

LEGISLATOR CARACCILO:

I don't see the plan here.

MR. ISLES:

I think --

LEGISLATOR GULDI:

I certainly would like Legislator Caracappa come here and show us the --

MR. ISLES:

Here again --

LEGISLATOR CARACCILOLO:

You have a motion to table Mr. Chairman.

LEGISLATOR FIELDS:

Second the motion to table.

MR. SABATINO:

The Town Board Resolution to be filed -- because it's not incorporated in the resolution, so we never got it. If somebody has it, if they could file it with the Clerk, so the Clerk could then add the information to the resolution. That would be helpful.

MR. ISLES:

We have a copy here of the resolution.

MR. SABATINO:

Before you leave, just leave it with the Clerk's Office and then if they can just incorporate it in the resolution, then at least that will be completed.

CHAIRMAN BISHOP:

Okay, so what is it? Motion to what?

LEGISLATOR CARACCILOLO:

Tabled.

CHAIRMAN BISHOP:

Tabled, second by Legislator Fields. All in favor? Opposed?

LEGISLATOR BINDER:

Opposed.

CHAIRMAN BISHOP:

1265 is tabled. Note Legislator Binder's opposition.

I.R. NO. 1265 Approving acquisition under Suffolk County Land Preservation Partnership Program at Portion Road in Lake Ronkonkoma, Town of Brookhaven. (Legislator Joseph Caracappa)

VOTE: 6-1-0-0 TABLED

CHAIRMAN BISHOP:

1337 dedicating certain lands now owned by Suffolk County to the Suffolk County Nature Preserve. Oh, this thing -- motion to table by myself, second by Legislator Fields. All in favor? Opposed?

I.R. NO. 1337 Dedicating certain lands now owned by the County of Suffolk to the Nature Preserve pursuant to Article I of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law (Woodlands in Hauppauge) (Legislator Andrew Crecca)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

Yes?

LEGISLATOR ALDEN:

We were only waiting -- there was one thing we were waiting for, right Legislative Counsel, Paul?

MR. ISLES:

This is surplus County right of way.

MR. SABATINO:

The easement access -- there's an easement issue, which was to be addressed and it hasn't been addressed so --

LEGISLATOR ALDEN:

Oh, is that the reason?

MR. SABATINO:

The concern was not to have a Manorville '91, a CR91 situation occur.

LEGISLATOR ALDEN:

So who is working on the easement situation? The County Attorney?

MR. ISLES:

I believe it's Legislator Crecca's Office with the Department of Public Works. I can give them a call.

LEGISLATOR ALDEN:

Okay, would you?

MR. ISLES:

Okay.

LEGISLATOR ALDEN:

Thanks.

CHAIRMAN BISHOP:

Okay 1359 is the mercury testing resolution.

LEGISLATOR FISHER:

Motion.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fisher --

LEGISLATOR CARACCILO:

Motion to table.

CHAIRMAN BISHOP:

Second by Legislator Guldi. Motion to table by Legislator Caracciolo, second by Legislator Binder. That's the motion that takes precedence. The tabling motion is.

LEGISLATOR GULDI:

I wanted to know what the --

CHAIRMAN BISHOP:

What information?

LEGISLATOR FISHER:

The hospitals are -- they or have phased out the use of mercury thermometers.

CHAIRMAN BISHOP:

What's the stuff with the thermometers?

LEGISLATOR FISHER:

Okay this is -- oh, the mercury testing, sorry, sorry, sorry. Another Cooper Law. Got

confused on that. Okay.

LEGISLATOR CARACCILO:

As did I. I withdraw my tabling motion.

CHAIRMAN BISHOP:

In fact, he has a bill in to eliminate mercury, as a planet. All in favor of the mercury testing? All in favor?

LEGISLATOR ALDEN:

On the motion?

CHAIRMAN BISHOP:

On the motion, Legislator Alden.

LEGISLATOR ALDEN:

Legislative Counsel? This is a question, Paul? Why did we table this last time?

MR. SABATINO:

It was tabled because --

LEGISLATOR ALDEN:

We wanted a presentation, I think.

MR. SABATINO:

That's because two consecutive times has been -- two consecutive committee meetings, there's been a request for Public Works to make a comment on the record and I --

CHAIRMAN BISHOP:

You want to comment then?

MR. SABATINO:

I think there's been deference, quite frankly to this.

MR. WRIGHT:

I think both Health Services and Public Works has laboratories. And in the Sanitation Laboratory, we do some mercury analysis and send some out. And the only issue that we had was that we're regulated under New York State is the Lab Program. The Laboratory Assurance Program, which does not recognized the federal procedure. But we don't have that many analysis that we have to perform per year, so we're really neutral on this particular bill. But we are aware of State Legislation that could be passed at any time that will be onerous on us, as well as the rest of the County and that will implement the federal method that's being called out in this bill. So Public Works, you know we're going to be there anyway at some point and we're -- since we don't have a big impact with a lot of analysis, we're really not -- we're just questioning this particular bill.

LEGISLATOR ALDEN:

Dave?

CHAIRMAN BISHOP:

Yes, go ahead.

LEGISLATOR ALDEN:

If New York State implements the new regulations, they would require us to go under the Federal Program? What is the cost going to be to us, as far as manpower or is it a dollar cost? The tests are more expensive?

MR. WRIGHT:

They would implement it with my programs under the discharge permits for the various sewer districts and they would require additional sampling analysis. The analysis themselves

are not that expensive but there are a lot of them that would be required. I don't have a dollar amount for you.

LEGISLATOR ALDEN:

But this just puts this there quicker?

MR. WRIGHT:

Yes.

LEGISLATOR ALDEN:

But it's exactly the same thing that would be required?

MR. WRIGHT:

The State Legislation is much more onerous. I mean, you talked about thermometers. I mean, this is going to be mercury switches and light bulbs and making people have a manifest system on tracking those type of materials.

LEGISLATOR ALDEN:

Okay, so this is going to be one step towards the federal?

MR. WRIGHT:

A piece of the State Legislation, yes.

LEGISLATOR ALDEN:

Okay.

CHAIRMAN BISHOP:

Okay, we have a motion to approve. Who made the motion to approve? Legislator Fisher did. Legislator Guldi will be the second. All in favor? Opposed? It is approved. 1359 is approved.

I.R. NO. 1359 Requiring adherence to federal standards for mercury testing in Suffolk County. (Legislator Jon Cooper)

VOTE: 7-0-0-0 APPROVED

CHAIRMAN BISHOP:

1493, do I need to table this, Counsel? It's implementing Greenways Program in connection with active recreation.

MR. SABATINO:

What Town is this in?

CHAIRMAN BISHOP:

Lindenhurst.

MR. SABATINO:

1493 has --

CHAIRMAN BISHOP:

You never need a Parks Trustee for a Greenways.

MR. ISLES:

Advisory right. But a CEQ is required.

CHAIRMAN BISHOP:

We need a CEQ, okay. Do we have the Town, the local and the Town Resolutions?

MR. SABATINO:

Yes. The last meeting the issue was SEQRA.

CHAIRMAN BISHOP:

Right. We have a non-willing seller anyway. Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed?

I.R. NO. 1493 Implementing Greenways Program in connection with acquisition of active parklands in Lindenhurst (Town of Babylon) (Legislator David Bishop)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1494 is a Charter Law to promote Smart Growth by diversifying the composition of the Suffolk County Planning Commission. Is this eligible? Or do we have another hearing?

MR. SABATINO:

The hearing was closed on August 7th.

LEGISLATOR FISHER:

Second.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fields, second by Legislator Fisher.

LEGISLATOR ALDEN:

On the motion?

CHAIRMAN BISHOP:

On the motion, Legislator Alden.

LEGISLATOR ALDEN:

I'm not sure if everybody got it but was there something that came from the Towns that they felt that their representation on the Planning Board would be deluded by this?

CHAIRMAN BISHOP:

Yes, I did get that.

LEGISLATOR ALDEN:

Okay. You got it?

CHAIRMAN BISHOP:

Why don't we -- all right. So what do you have? A motion to table? And who is seconding that? Legislator Binder. I'm inclined to table this until there can be a further meeting between the sponsor and the Planning Commission. I think that your goal is a correct one and you're on the verge of achieving it. I think there's some room for compromise. I've heard a willingness on their part to compromise. So why don't we give it one meeting? All in favor of tabling it? Opposed to tabling it? Table it, okay.

I.R. NO. 1494 Adopting Local Law No. -2001, A Charter Law to promote Smart Growth by diversifying composition of County Planning Commission. (Legislator Ginny Fields)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

That was painless. 1502 directing County Planning Department to -- tabled unanimously, I'm sorry. 1502 is -- do we need a break? It's like gone with the wind, this meeting is. 1502 is directing County Planning Department to establish RFP policy for securing grants for Soil Water Conservation District.

LEGISLATOR CARACCILO:

Explanation?

CHAIRMAN BISHOP:

One of a series of bills where Legislator Fields is proposing that we have bounty -- in other words where the --

LEGISLATOR ALDEN:

Motion to table.

CHAIRMAN BISHOP:

If somebody could find us a grant, then we'll give them a percentage right after that.

LEGISLATOR FIELDS:

The Soil and Water Conservation District Members requested that I put this in. Because they can use the help from -- to get grants. They don't -- they're short with manpower and with all the things that they have to do and they would like to get more money into the program.

CHAIRMAN BISHOP:

Okay, motion to approve by Legislator Fields. Motion to approve by Legislator Fields, second by myself. Motion to table by who? Legislator Alden, second by Legislator Binder. Legislator Caracciolo wishes to be heard.

LEGISLATOR CARACCILO:

Thank you. On the tabling motion? Mr. Isles, would you like to comment?

MR. ISLES:

Not specifically on the tabling motion, just to make the comment that we certainly don't take issue with the idea. We think it's fine. Just in terms of the County Planning Department doing it for the Soil and Water Conservation District, it seems like a -- would it be best for the Soil and Water Conservation to do it directly, versus the Planning Department doing an RFP for another agency? That's the only question I would have on it.

LEGISLATOR FIELDS:

You know what? I'll let this go to be tabled and I will work with them and have it changed over. Thank you.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by myself. All in favor? Opposed? 1502 is tabled.

I.R. NO. 1502 Directing County Planning Department to establish RFP Policy for securing grants for Soil and Water Conservation district. (Legislator Ginny Fields)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1523 we have a series of appointments to the Suffolk County Panel on groundwater protection. Is this an existing panel?

LEGISLATOR GULDI:

Yes, the panel authorized the creation of the panel now eight months ago. We waited for six months. No names were put forth. I put these names forth about two months ago and no additional names have been put forth, therefore, --

CHAIRMAN BISHOP:

Making this panel.

LEGISLATOR GULDI:

It's a panel to look at the special groundwater protection areas of the County and to ascertain both the appropriateness of the areas designated as SGPA's and to deal with the area of regulation, if you will, the questions about the appropriateness of regulation of

pesticide and fertilizer use within the special groundwater protection areas.

LEGISLATOR ALDEN:

On the motion?

CHAIRMAN BISHOP:

Legislator Alden.

LEGISLATOR ALDEN:

I apologize, if I didn't say it to you directly but I thought I had asked you to try to arrange for these people to come before us.

CHAIRMAN BISHOP:

We did it during the committee meeting.

LEGISLATOR ALDEN:

That's what I'm saying.

LEGISLATOR GULDI:

I wasn't here at the last meeting.

LEGISLATOR ALDEN:

So I apologize.

LEGISLATOR GULDI:

Nobody said it to me and customarily --

CHAIRMAN BISHOP:

Let me just say this about these people? We know these --

LEGISLATOR GULDI:

We know Robert Turner who wrote the Nature Preserve Handbook. Richard Amper, we know all too well.

CHAIRMAN BISHOP:

Why did we put him in?

LEGISLATOR GULDI:

I don't know.

CHAIRMAN BISHOP:

Sara Meyland we use.

LEGISLATOR GULDI:

Sara Meynard --

CHAIRMAN BISHOP:

Isn't it Sara Meyland?

LEGISLATOR GULDI:

Yes, I believe it's Meyland. It's a typo and Julie Penny is with the group from the south --

LEGISLATOR ALDEN:

My point is that --

LEGISLATOR GULDI:

They're all well noted environmentalists for the purpose of the environmental community. The slots are designated for environmentalists. We've been waiting for eight months. If

there is no other names, if there's no other nominees for these vacancies, I don't see any reason to invite them to a three o'clock meeting, so they can sit here until 6:30 at night.

LEGISLATOR ALDEN:

First off, I don't disagree 100 percent with you but I do disagree in this regard. To have these people appointed by default is not the right way to do this and this is -- these are new appointments. They can very well come down here and tell us what they hope to accomplish. What they're bringing to the table. Some of them I don't know. So I really would like to have an opportunity to question these new appointees.

LEGISLATOR GULDI:

I'm going to suggest that -- I have directly and through my staff, reached out to these people, to ask them to participate in doing the work and going to the meetings; to participate in this battle for no money and they are available to anyone here who wants to move this forward. I am concerned that we are looking at now, almost eight months of delay.

LEGISLATOR ALDEN:

But that's not traditionally what we do. You know and I had Legislative and Personnel, I think, last year or the year before that. People came before us. We supplied the committee with biographies and also resumes, if that's appropriate and I think that that process was a good process. So I try to keep that going. Because it did present the opportunity for these people to come down, tell us what hopes they had, what they wanted to accomplish and what they were bringing to the table, so to speak. So I think that for us to bypass that, at this point, again, it's going to be an appointment by default. I don't really agree with that.

LEGISLATOR FIELDS:

Okay. May I? I would agree with Legislator Alden. We have started a -- at least, we talked about it last year for new Legislators who had met people, etc., number one, they probably should have a resume. And number two, maybe you could put them on the agenda to go first, so that we don't go through that where they'd have to sit through a whole meeting. But we could direct any questions to them and then approve them.

CHAIRMAN BISHOP:

Legislator Guldi, I have a question. The goal of this, what is it? Task Force Group?

LEGISLATOR GULDI:

Yes Groundwater Protection Panel.

CHAIRMAN BISHOP:

Panel, another word. The goal of the panel is to, among other things, determine the propriety of limiting pesticide spraying on SGPA's?

LEGISLATOR GULDI:

It's pesticide and fertilizer use and -- yes there is --

CHAIRMAN BISHOP:

It's land use, it's additional land use controls.

LEGISLATOR GULDI:

Absolutely.

CHAIRMAN BISHOP:

Okay.

LEGISLATOR GULDI:

The makeup of the panel includes representatives of planning -- I think, I dumped this one on you too, didn't I? Aren't you on the --

MR. ISLES:

Don't worry about that.

LEGISLATOR GULDI:

I think you are. It has representatives of the County Executive.

CHAIRMAN BISHOP:

You want to be on there?

LEGISLATOR GULDI:

Representatives of various departments and when we approve the legislation creating the panel, there is a fair amount of dialogue about the appropriateness of the members. There are four citizens at large representing the different aspects of community --

CHAIRMAN BISHOP:

But don't you think that if you don't put in some of those people who like the pesticides, of course nobody likes pesticide, who believe that they are necessary all the time?

LEGISLATOR FISHER:

Farms who use?

LEGISLATOR GULDI:

There is somebody from the Farmland.

CHAIRMAN BISHOP:

The farm people and then -- whatever! I try to legislate in this area, the applicators -- otherwise, it's just going to play out in front of us again. Maybe you could play out in this panel. Yes, let them fight, compromise.

LEGISLATOR GULDI:

If you look at any of the legislation, those parallel that the County Department of Health designee, the Chairman of the Health and Human Services Committee of the Legislature as a designee. The Chairman of E&E or Energy & Environment and Transportation. Will you look at that? My committee, it doesn't exist anymore. Two members to be appointed by the County Legislator representing the environmental organizations. That is clearly two of these. One member from the scientific community appointed by the County Legislature and one -- which one is --

CHAIRMAN BISHOP:

Meyland.

LEGISLATOR GULDI:

Meyland is the scientist and one member publicly recognized and acknowledged civic located in Suffolk County to be appointed by the County Legislature. So that would --

CHAIRMAN BISHOP:

So there you have it.

LEGISLATOR GULDI:

There you have it.

CHAIRMAN BISHOP:

There's no applicator dude. There's no farmer dude. There's no --

LEGISLATOR CARACCILO:

How about the Water Authority?

LEGISLATOR GULDI:

I have to look back at the other bill that we passed, creating it, to how that representation was handled. These are just the four legislative appointed members. Do you have -- you don't have that handy, do you Counsel? What's the rest of the composition?

MR. SABATINO:

There's a seven-member committee. The problem right now is there's no quorum, because there's only three members -- because the other four slots haven't been filled. That's the problem why they haven't met. But it's Health Commissioner, it's someone designated by the Chair of the Health Committee. One designated by the Chair of the Environment Committee, two --

LEGISLATOR GULDI:

If you want to appoint all the applicators, you have direct appointments.

MR. SABATINO:

Two from Environmental Organizations. One from the Scientific Community and one from a Civic. So there's four slots right now.

LEGISLATOR CARACCIOLO:

Have any of those slots --

CHAIRMAN BISHOP:

I'm going to give you Joe Gergela.

LEGISLATOR CARACCIOLO:

Have any of those appointments been made? The Health Committee, Environment Committee?

LEGISLATOR GULDI:

No.

CHAIRMAN BISHOP:

Do you have anybody you recommend? I'm open.

LEGISLATOR CARACCIOLO:

Who I would recommend?

CHAIRMAN BISHOP:

Yes.

LEGISLATOR CARACCIOLO:

I'll have a name for you tomorrow.

CHAIRMAN BISHOP:

Anybody else have any?

LEGISLATOR CARACCIOLO:

I think Mr. Gergela, I think Mr. LoGrande. I think there are a number of qualified people that should serve on this panel.

LEGISLATOR FISHER:

A man who was here today from the University, Mr. Taylor. He's doing --

LEGISLATOR CARACCIOLO:

Someone from Cornell.

LEGISLATOR FISHER:

The Sciences.

LEGISLATOR CARACCIOLO:

Vito Minei.

CHAIRMAN BISHOP:

He has to talk about groundwater.

LEGISLATOR CARACCILO:

You're on here Vito? Okay.

CHAIRMAN BISHOP:

Maybe I'll fill that appointment with somebody who is in my opinion pro-pesticide. All right, so anyway 1520, so they could balance the committee. 1523 motion to table. What are we going to do?

LEGISLATOR CARACCILO:

Well, Mr. Chairman, since the other appointments haven't been made, there is no urgency. I would invite these individuals to come down and share with us --

CHAIRMAN BISHOP:

Yes, let's torture them. They want to -- at least get resumes.

LEGISLATOR GULDI:

Mr. Chairman, would you please invite them?

CHAIRMAN BISHOP:

No, it's your undertaking.

LEGISLATOR GULDI:

Invite them on down.

LEGISLATOR CARACCILO:

So that we can move on the matter expeditiously? Could the Chairman of both the Health and Environment Committees?

CHAIRMAN BISHOP:

Stop, stop agitating, will you please?

LEGISLATOR CARACCILO:

No, no, no but could you have your appointees come down next cycle and get this over with?

MR. SABATINO:

The Chairs can make their appointments by letter. You don't need a resolution for those two.

CHAIRMAN BISHOP:

There you go. You know what? My appointments are not coming down just for that. 1523 is a motion to table by myself, second by Legislator Fields. All in favor? Opposed? It's tabled.

I.R. NO. 1523 Resolution approving appointment of member to Suffolk County Panel on Groundwater Protection (Dr. Robert Turner) (Legislator George Guldi)

VOTE: 6-1-0-0 TABLED

CHAIRMAN BISHOP:

1524 same motion, same second, same vote.

I.R. NO. 1524 Resolution approving appointment of member to Suffolk County Panel on Groundwater Protection (Richard Amper) (Legislator George Guldi)

VOTE: 6-1-0-0 TABLED

CHAIRMAN BISHOP:

1525 same motion, same second, same vote.

I.R. NO. 1525 Resolution approving appointment of member of Suffolk County Panel on Groundwater Protection (Sara Meyland) (Legislator George Guldi)

CHIRMAN BISHOP:

1526 same motion, same second, same vote.

I.R. NO. 1526 Resolution approving appointment of member of Suffolk County Panel on Groundwater Protection (Julie Penny) (Legislator George Guldi)

VOTE: 6-1-0-0 TABLED

CHAIRMAN BISHOP:

So on 1523, 4, 5 and 6 Legislator Guldi is opposed to tabling. 1596 to modify procedures for purchase of pump-out vessels, Legislator Carpenter. Explanation?

MR. SABATINO:

There's a corrected copy that was just recently filed. This is the legislation that would implement the funding that was previously provided for contribution of money by the County to Towns and Villages that are interested in participating in a partnership to purchase the pump-out vessels.

LEGISLATOR GULDI:

Pandora's Box.

CHAIRMAN BISHOP:

Hold on, this is a very good program but it requires a partnership. Mr. Minei is anxious to speak with us and share information.

MR. MINEI:

Off the record, are we going to serve a buffet at the next legislative meeting?

CHAIRMAN BISHOP:

No.

MR. MINEI:

Seriously this was tabled, I believe rightfully so, at the last meeting because the County Attorney had some concerns. The County Attorney has indeed submitted amendments to the sponsor with regard to bonding of it. This is not, if I make that exception, this is not Pandora's Box. I was asked back in May, to provide members of this committee and the Parks Committee that were considering Capital Programs, the background in this and we very assiduously have gone through this program. Number one, to try to secure State Funding for the pump-out vessels and on now, three occasions, I sent letters from Commissioner Bradley to all the Town Supervisors and Village Mayors to alert them to this program and ask them to participate if they were interested.

Also, I think, we have a very vigorous program with the help of the Planning Department and CEQ to request applications. And we have one and I would ask you to please approve this today because Southampton is the only active application we have. They're trying to purchase two boats. They have them under specification to a manufacturer. The Environmental Facilities Corporation which handles the State money has indicated that they want information from the County as to whether or not we will put up our share by September, so Southampton can move ahead. I assure you all the other Town Supervisors know about this and I again, would ask you to approve it today.

LEGISLATOR CARACCILO:

Vito, I thank you for the information you sent me. Can you make certain that I receive

copies of the correspondence from Commissioner Bradley to the Town Supervisors?

MR. MINEI:

That was part of their package but I will gladly send it to you.

LEGISLATOR CARACCILOLO:

Because I didn't see that.

MR. MINEI:

It was all part of the package because I was asked specifically to provide that. We have the request for applications --

LEGISLATOR CARACCILOLO:

Saw that.

MR. MINEI:

A timeline of what we followed and an indication of how often and by what means the Town Supervisors --

LEGISLATOR CARACCILOLO:

I have it. Thank you.

LEGISLATOR ALDEN:

Dave?

CHAIRMAN BISHOP:

Thank you.

LEGISLATOR ALDEN:

Just one quick question?

LEGISLATOR FISHER:

It was complicated. We had a long discussion about it.

MR. MINEI:

I did believe we sent it to every member of this committee and parks because members asked about it.

LEGISLATOR ALDEN:

So Legislative Counsel, Paul Sabatino? Were the changes incorporated into this?

MR. SABATINO:

Yes on August 14th, a corrected copy was filed in a timely fashion and it incorporated the changes, which were basically, just making some reference to State Local Finance Law modifying the SEQRA determination slightly. But yes, the changes were incorporated.

CHAIRMAN BISHOP:

If they're buying the boat, we'll reimburse them. That's a promise.

MR. MINEI:

Exactly. That was part of the process and if I may, I'd like to thank personally Dave Grier, the County Attorney's Office who expeditiously made these changes and suggested them.

MR. SABATINO:

It's a 50 percent reimbursement. It's not 100 percent.

CHAIRMAN BISHOP:

Right, okay.

LEGISLATOR FISHER:

Motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fisher, second by Legislator Fields. All in favor? Opposed? Opposed to the pump-out boat? Binder is opposed. He likes dirty water.

I.R. NO. 1596 To modify procedures for purchase of Pump-out Vessels. (Legislator Angie Carpenter)

VOTE: 6-1-0-0 APPROVED

CHAIRMAN BISHOP:

1667 creating a Regional Forestry Council for Suffolk County. I have a note that Legislator Cooper wishes that --

LEGISLATOR FISHER:

You skipped 1600, 1654 and 1666.

CHAIRMAN BISHOP:

Oh, I'm sorry. I didn't skip it for a reason.

LEGISLATOR CARACCILO:

The property is actually in my district.

CHAIRMAN BISHOP:

1600 approving acquisition under Suffolk County Land Partnership Preservation Program, property in Middle Island.

LEGISLATOR CARACCILO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second by Legislator Binder. All in favor? Opposed?

I.R. NO. 1600 Approving acquisition under Suffolk County Land Preservation Partnership Program (property in Middle Island) Town of Brookhaven (Legislator Fred Towle)

VOTE: 7-0-0-0 TABLED

MR. ISLES:

You should be aware sir that it's a -- this is becoming time sensitive and they've indicated --

LEGISLATOR CARACCILO:

We're going to look at it Wednesday, right?

MR. ISLES:

We are, yes. We have a willing seller because if they don't close the deal by the end of the year.

LEGISLATOR CARACCILO:

With Binder tonight, you Wednesday, anybody available tomorrow?

LEGISLATOR GULDI:

No that's all right.

LEGISLATOR ALDEN:

You can go with Guldi tonight.

LEGISLATOR BINDER:

What's the problem on this?

LEGISLATOR CARACCILOLO:

It's in my district.

LEGISLATOR BINDER:

We have a willing seller on this.

LEGISLATOR CARACCILOLO:

It's in my district. I want to see the property.

CHAIRMAN BISHOP:

In your district but Legislator Towle filed the resolution? All right. Creating a Suffolk County Smart Growth Committee. That's resolution 1654, which -- right everybody raised the same question. Yes but you're the one who defended it last time, correct?

LEGISLATOR FIELDS:

I asked the questions. There were questions about reviewing and recommending and --

MR. ISLES:

And sunset clause of some sort.

LEGISLATOR FIELDS:

Right.

MR. ISLES:

So we're drafting some amendments to suggest to the --

CHAIRMAN BISHOP:

Motion to table, second by Legislator Bishop. All in favor? Opposed? Fields made the motion, Bishop seconded it.

I.R. NO. 1654 Creating a Suffolk County Smart Growth Committee. (County Executive)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

Just quickly Mr. Chairman? On 1600 Mr. Isles, didn't you say it's time sensitive? It's a Land Partnership Resolution. Do we have funding in Land Partnership?

MR. ISLES:

Yes.

CHAIRMAN BISHOP:

A little while ago, we heard we didn't.

MR. ISLES:

No but this one has been in the works for so long -- this is -- actually we did set aside the money and Mr. Burke has been involved in that so --

LEGISLATOR GULDI:

We have money allocated for proper parcels that we haven't approved yet but we don't have -

-

CHAIRMAN BISHOP:

Ah that's scandal.

LEGISLATOR GULDI:

I like this.

MR. ISLES:

Well, the point is we had gotten a resolution in Brookhaven quite a while ago on this one, so it's not a ton of money.

CHAIRMAN BISHOP:

Brookhaven Manors.

LEGISLATOR CARACCILO:

All right, okay.

CHAIRMAN BISHOP:

All right, 1666 implementing Pay-As-You-Go Quarter Cent Taxpayer Protection Plan for Water Quality Protection and Restoration Program to acquire Lindenhurst property bordering Great South Bay. Mr. Isles, are we in order here? Or am I --

MR. ISLES:

We still need a site plan for CEQ.

CHAIRMAN BISHOP:

Site Plan for CEQ. We will give you a site plan. Motion to table by myself, second by Legislator Binder. All in favor? Opposed? 1666 is tabled.

I.R. NO. 1666 Implementing Pay-As-You-Go 1/4% Taxpayer Protection Plan for Water Quality Protection and Restoration Program to acquire Lindenhurst property bordering Great South Bay (Legislator David Bishop)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1667 Legislator Cooper has indicated a desire to have a tabling motion. Tabled by myself, second by Legislator Guldi. 1667 is tabled.

I.R. NO. 1667 Creating Regional Forestry Council for Suffolk County. (Legislator Jon Cooper)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:

1668 implementing Greenways Program in connection with acquisition of Active Parkland at Three Village Swim and Racquet Club.

LEGISLATOR FISHER:

Motion.

CHAIRMAN BISHOP:

Well, isn't that already Active Parkland?

LEGISLATOR FISHER:

I thought we did that. I thought we approved that last time.

MR. SABATINO:

No 1668, we were waiting for the Town Board Resolution. That's why it was tabled.

LEGISLATOR FISHER:

Okay.

LEGISLATOR CARACCILO:
My resolution has blanks on it.

LEGISLATOR FISHER:
That's right.

LEGISLATOR CARACCILO:
I have a problem with voting for a resolution that's --

LEGISLATOR FISHER:
I'm making a motion to table.

CHAIRMAN BISHOP:
Motion to table by Legislator Fisher, second by Legislator Caracciolo. All in favor? Opposed?
1668 is tabled.

I.R. NO. 1668 Implementing Greenways Program in connection with acquisition of Active Parklands at Three Village Swim and Racquet Club (Town of Brookhaven) (Legislator Vivian Fisher)

VOTE: 7-0-0-0 TABLED

CHAIRMAN BISHOP:
1669 implementing Greenways Program in connection with the acquisition of Farmland Development Rights at Sherwood-Jayne Residence, East Setauket.

LEGISLATOR FISHER:
We have a willing seller and very willing, they contacted us.

CHAIRMAN BISHOP:
This is farmland. I'm sure there's plenty of money in it. It's the Town --

MR. ISLES:
It was approved at the last Farmland Select Committee Meeting.

CHAIRMAN BISHOP:
Oh, excellent and our Farmland Committee?

LEGISLATOR FISHER:
Yes.

CHAIRMAN BISHOP:
Everybody.

LEGISLATOR FISHER:
Everyone is on board.

CHAIRMAN BISHOP:
Motion to approve by Legislator Fisher.

LEGISLATOR CARACCILO:
Second.

CHAIRMAN BISHOP:
Second by Legislator Caracciolo. All in favor? Opposed? 1669 is approved.

I.R. NO. 1669 Implementing Greenways Program in connection with acquisition of Farmland Development Rights at Sherwood-Jayne Residence, East Setauket (Town of Brookhaven) (Legislator Vivian Fisher)

VOTE: 7-0-0-0 APPROVED

LEGISLATOR GULDI:

Is this on the consent calendar?

CHAIRMAN BISHOP:

I don't know if any of it's qualified.

LEGISLATOR GULDI:

You could put anything, including the SEQRA.

CHAIRMAN BISHOP:

All right. After we're done, we'll go back and we'll take a measure --

LEGISLATOR CARACCILO:

We're done.

CHAIRMAN BISHOP:

Oh, tabled subject to call --

LEGISLATOR CARACCILO:

George, why don't you do it? Run us through it George?

LEGISLATOR GULDI:

Mr. Chairman, do you want me to do it?

LEGISLATOR FISHER:

I don't think he's the right person.

LEGISLATOR GULDI:

Everything was approved unanimously.

CHAIRMAN BISHOP:

No. You have the SEQRA's -- let's do the SEQRA's. Can we do that?

MR. SABATINO:

No, you can't to the SEQRA's.

LEGISLATOR CARACCILO:

No, you cannot do SEQRA's.

MR. SABATINO:

You can't do the SEQRA's because the courts have ruled that you have to show you're taking a hard close careful look. The significance of this is that for example, we won the lawsuit on the pesticide application law last year. Nassau County lost that one. We won it because we had a correct SEQRA's determination and we followed the process.

CHAIRMAN BISHOP:

All right, nothing is eligible for consent. Motion to adjourn by Legislator Binder, second by Legislator Fields. All in favor? Opposed? We stand adjourned.

(The meeting was adjourned at 6:30 P.M.)

{ } Denotes spelled phonetically